

## **ORDINANCE NO.**

**AN ORDINANCE AMENDING TITLE 16 OF THE STOCKTON MUNICIPAL CODE (SMC) DIVISION 1, CHAPTERS 16.04, 16.08 AND 16.12, AND DIVISION 2, CHAPTERS 16.16, 16.20, AND 16.24, AND DIVISION 3, CHAPTERS 16.32, 16.36, 16.38, 16.40, 16.48, 16.52. 16.64, 16.68, 16.72, AND 16.80, AND DIVISION 5, CHAPTERS 16.112, 16.164, AND 16.176, AND DIVISION 6, CHAPTERS 16.196, 16.210, DIVISION 7, CHAPTERS 16.214 AND 16.220, AND DIVISION 8, CHAPTERS 16.240 AND 16.250 TO REFLECT CHANGES TO STATE LAW AND ACCOMMODATE HOUSING DEVELOPMENT CONSISTENT WITH THE 2040 STOCKTON GENERAL PLAN**

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

### **SECTION I: FINDINGS AND INTENT**

The City Council is authorized by section 16.212.030 of the Stockton Municipal Code (SMC) to adopt amendments to Title 16 (Development Code) based on the following Mandatory Findings of Fact for Development Code Amendments.

1. Finding #1: The proposed amendment ensures and maintains internal consistency with general land uses, objectives, policies, programs, and actions of all elements of the General Plan on balance and would not create any inconsistencies with this Development Code.

Evidence: The proposed amendments accommodate housing development consistent with General Plan policies HE-1.5, HE-1.8, HE-1.11, LU-3.1, and LU-4.1. Further, the amendments revise land use standards by adding land use performance measures, removing clerical errors, update references, and ensuring internal consistency within the Development Code, consistency with the General Plan and supportive regulatory documents, and compliance with state law.

2. Finding #2: The proposed amendment will not endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the City.

Evidence: The purpose of the proposed amendments is to comply with provisions of state law relating to housing, accommodate housing development in the City, and ensure consistency with the General Plan. The amendments are within the scope and consistent with the City's General Plan Environmental Impact Report (EIR) (SCH No. 2017052062). There is no evidence or expectation that these text amendments will endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the City.

3. Finding #3: The proposed amendment complies with the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines.

Evidence: On December 4, 2018, the City certified the Envision Stockton 2040 General Plan Environmental Impact Report (GPEIR) (SCH No. 2017052062). The GPEIR provides a programmatic review of the potential impacts associated with the implementation of the General Plan. The proposed amendments implement the General Plan policies necessary to achieve the General Plan goals. These amendments clarify existing standards and processes and will not result in intensification beyond what was previously analyzed in the GPEIR. None of the proposed amendments will impact the analysis or conclusions of the GPEIR. The potential impacts of the amendments are within the scope of the GPEIR. Additionally, the proposed amendments do not create any specific impacts not considered in the GPEIR, any significant impact not evaluated in GPEIR, any significant off-site or cumulative impacts not evaluated in the GPEIR, or any identified impacts more severe based on new information not known when the GPEIR was certified. Therefore, pursuant to CEQA Guidelines § 15183 the proposed amendments are compliant with the CEQA and the City's CEQA Guidelines and do not require additional environmental review.

In addition, section 16.212.030.B.2 of the Stockton Municipal Code (SMC) requires the following Findings of Fact be made for Development Code Amendments.

4. Finding #4: The proposed amendment would be internally consistent with other applicable provisions of this Development Code.

Evidence: Many of the proposed amendments are required for the City's Development Code to be compliant with changes to state law relating to housing or to bring the development standards into compliance with the adopted General Plan policies. These changes will amend land use standards by adding land use performance measures, removing clerical errors, update references, and allow for compliance with state law and internal consistency with applicable provisions of the Development Code. Additionally, these amendments are internally consistent with all policy and supportive regulatory documents.

## **SECTION II: AMENDMENT OF CODE**

Title 16, Division 1, of the Stockton Municipal Code (SMC) is amended to read, as follows:

### **Division 1. Purpose and Applicability of Development Code**

#### **Chapter 16.04 PURPOSE AND EFFECT OF THE DEVELOPMENT CODE**

##### **16.04.010 Title.**

Title 16 of the Stockton Municipal Code is and may be cited as the Stockton Development Code, hereafter referred to as "this Development Code", "this Code", or "this Title."

##### **16.04.020 Purpose and intent of Development Code.**

The purpose of this Development Code is to implement the Stockton General Plan by classifying and regulating the uses of land and structures within the City of Stockton; by protecting and promoting the public health, safety, and general welfare; and by preserving and enhancing the aesthetic quality of the City. To fulfill these purposes, the intent of this Development Code is to:

- A. Provide standards for the orderly growth and development of the City, and promote a stable pattern of land uses;
- B. Implement the uses of land designated by the Stockton General Plan and avoid conflicts between land uses;

- C. Maintain and protect the value of property;
- D. Conserve and protect the natural resources of the City, including its surrounding agricultural lands;
- E. Protect the character and social and economic stability of residential, commercial, and industrial areas;
- F. Assist in maintaining a high quality of life without causing unduly high public or private costs for development or unduly restricting private enterprise, initiative, or innovation in design; and
- G. Provide regulations for the subdivision of land in compliance with the Subdivision Map Act (California Government Code Sections 66410 et seq.).

**16.04.030 Authority, relationship to General Plan.**

- A. This Development Code is enacted based on the authority vested in the City of Stockton by the State of California, including but not limited to: the State Constitution; the Charter of the City of Stockton; the Planning and Zoning Law (Government Code Sections 65000 et seq.); the Subdivision Map Act (Government Code Sections 66410 et seq.); and the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.).
- B. This Development Code implements the goals and policies of the General Plan by regulating the use of land and structures within the City. This Development Code and the General Plan shall be consistent with one another. Any permit, license, or approval issues pursuant to this Code must be consistent with the General Plan and all applicable specific plans. In any case where there is a conflict between this Code and the General Plan, the General Plan shall control.

**16.04.040 Responsibility for administration.**

This Development Code shall be administered by the Stockton City Council; the Planning Commission; the Community Development Director; the Community Development Department; and such other departments, groups, or individuals identified in this Development Code in compliance with Title 2, Administration and Personnel, of the Stockton Municipal Code and as established in this Development Code.

#### **16.04.050                   Applicability of Development Code.**

This Development Code applies to all land, land uses, structures, subdivisions, and development within the City of Stockton, as provided by this section.

- A.     **Applicability to Property.** This Code shall apply, to the extent permitted by law, to all property within the incorporated limits of the City of Stockton and to property for which applications for annexation and/or subdivisions have been submitted to the City of Stockton, including all uses, structures, and land owned by any private person, firm, corporation or organization, or the City of Stockton or other local, State or federal agencies. Any governmental agency shall be exempt from the provisions of this Code only to the extent that such property may not be lawfully regulated by the City of Stockton.
- B.     **Minimum Requirements.** All provisions of this Development Code shall be considered minimum requirements, unless stated otherwise (for example, height limits and site coverage requirements for structures, and the numbers and size of signs allowed are maximums, not minimums). Where this Code provides for more discretion on the part of a City official or body, that discretion may be exercised to impose more stringent requirements than set forth in this Code as may be necessary to promote orderly land use development and the purposes of this Code.
- C.     **Other Requirements May Apply.** Nothing in this Development Code eliminates the need for obtaining any permit, approval, or entitlement required by other provisions of the Stockton Municipal Code or complying with the regulations of any City department, or any County, regional, special districts, State, or Federal agency.
- D.     **Conflicting Requirements.** Any conflicts between different requirements of this Development Code, or between this Development Code and other regulations, shall be resolved in compliance with Section 16.08.020.D (Conflicting Requirements).
- E.     **Prior Ordinance.** The provisions of this Code supersede all prior ordinances codified in Title 16 of the Stockton Municipal Code and any amendments. No provisions of this Code shall validate any land use or structure established, constructed, or maintained in violation of the prior Development Code, unless such validation is specifically authorized by this Code and is in conformance with all other regulations.

- F. **Issuance of Building or Grading Permits.** The Building Official may only issue building, grading, or other construction permits after all applicable requirements of this Development Code, and all other applicable statutes, ordinances and regulations have been met.
- G. **Effect of Development Code Changes on a Project in Progress.** The enactment of this Development Code or any amendment to its requirements, may have the effect of imposing different standards on a new land use than those that applied to existing development. (For example, this Development Code or a future amendment could require more off-street parking spaces for a particular land use than former regulations.) The following provisions determine how the requirements of this Development Code apply to a development project that is in progress at the time requirements are changed, but is not in compliance with this Development Code. A development project that remains in compliance with all applicable provisions of this Development Code as amended, shall proceed in compliance with this Development Code.
1. ***Project With a Pending Application.*** A land use permit application that has been determined by the Community Development Department to be complete before the effective date of the ordinance codified in this Development Code or any amendment:
    - a. May be processed according to the requirements in effect when the application was accepted as complete, unless the review authority (i.e., Director, Planning Commission, or City Council) determines it is necessary to apply new or amended development standards to the project approval to ensure public health, safety, welfare, and orderly development; and
    - b. Provided that the application is acted upon within 90 days of the adoption of the ordinance codified in this Development Code. If an initial study/negative declaration is required, the application shall be acted upon within seven (7) months, and if an environmental impact report is required, within 13 months.
  2. ***Approved Project Not Yet Under Construction.*** An approved development project for which construction has not commenced as of the effective date of the ordinance codified in this Development Code or any amendment, may still be constructed as approved, if:

- a. A required building permit is issued for construction; and
  - b. Construction is diligently pursued before the expiration of any applicable land use permit or, where applicable, before the expiration of any approved time extension granted in compliance with Chapter 16.96 (Expirations and Extensions).
3. ***Approved Project Not Requiring Construction.*** An approved land use not requiring construction, that has not been established as of the effective date of the ordinance codified in this Development Code or any amendment, may still be established in compliance with its permit/approval, if the land use is established/in operation before the expiration of any applicable land use permit. A time extension granted in compliance with Chapter 16.96 (Expirations and Extensions) may be granted before the expiration of any applicable land use permit.
4. ***Project Under Construction.*** A development project for which substantial construction has occurred in compliance with a valid building permit on the effective date of the ordinance codified in this Development Code or any amendment, need not be changed to satisfy any new or different requirements of this Development Code if construction is completed in compliance with the original building permit.
5. ***Subdivision Maps.*** Subdivision maps shall be processed in compliance with the Subdivision Map Act.

#### **16.04.060 Partial invalidation of Development Code.**

If any article, division, section, subsection, paragraph, subparagraph, sentence, clause, phrase, or portion of this Development Code is held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, these decisions shall not affect the validity of the remaining portions of this Development Code. The Stockton City Council hereby declares that this Development Code and each article, division, section, subsection, paragraph, subparagraph, sentence, clause, phrase, and portion thereof would have been adopted irrespective of the fact that one or more portions of this Development Code may be declared invalid, unconstitutional, or unenforceable.

### **Chapter 16.08 Interpretation of Regulations**

#### **16.08.010 Purpose of chapter.**

This chapter provides rules for resolving questions about the meaning or applicability of any part of this Development Code. The provisions of this chapter are intended to ensure the consistent interpretation and application of the provisions of this Development Code and the General Plan.

#### **16.08.020 Rules of interpretation.**

- A. **Authority.** The Community Development Director shall have the responsibility and authority to interpret the meaning and applicability of all provisions and requirements of this Development Code, subject to appeal pursuant to Chapter 16.100 (Appeals).
- B. **Language.**
  - 1. ***Abbreviated Titles and Phrases.*** For the purpose of brevity, and unless otherwise indicated, the following phrases, names of personnel and decision-making bodies are shortened in this Development Code. The City of Stockton is referred to hereafter as the “City.” The Community Development Department is referred to as the “Department.” The Community Development Director is referred to as the “Director.” The City Council is referred to as the “Council.” The Planning Commission is referred to as the “Commission.” The Development Review Committee is referred to as the “DRC” and the Architectural Review Committee is referred to as the “ARC.” The State of California is referred to as the “State,” and the County of San Joaquin is referred to as the “County.” The City of Stockton Municipal Code is referred to as “the Municipal Code.” The California Subdivision Map Act is referred to as the “Map Act.”
  - 2. ***Terminology.*** When used in this Development Code, the words “shall,” “will,” “is to,” and “are to” are always mandatory. “Should” and “encourage” are not mandatory but are strongly recommended; “may” is permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise. The words “include,” “includes,” and “including” mean “including but not limited to . . .”. The terms “amend,” “modify,” and “revise,” all mean “to change.” The term “waive” means “to eliminate a requirement.” The use



of the word “approval” includes approval with conditions. The use of the words “appropriate” or “applicable” means “as determined by the applicable Review Authority, or if not identified, by the Director.” The word “structure” includes “buildings and/or structures.”

3. **Number of Days.** Whenever a number of days is specified in this Development Code, or in any permit, condition of approval, or notice issued or given as provided in this Development Code, the number of days shall be calendar days, unless business days are specified. Time limits will extend to the following business day where the last of the specified number of days falls on a day that the City is not open for business, except as otherwise provided for by the Map Act.
  4. **State Law Requirements.** Where this Development Code references applicable provisions of State law (for example, the California Government Code, Map Act, Public Resources Code, etc.), the reference shall be interpreted to be the applicable State law provisions as they may be amended from time to time.
- C. **Calculations—Rounding.** Where provisions of this Development Code require calculations to determine applicable requirements, any fractional/decimal results of the calculations shall be rounded as provided by this Subsection.
1. **General Rounding.** Fractions of one-half (0.5) or greater shall be rounded up to the nearest whole number and fractions of less than one-half (0.5) shall be rounded down to the nearest whole number, except as otherwise provided.
  2. **Exception for State Affordable Housing Density Bonus.** The calculation of fractions related to permitted bonus density units for projects eligible for bonus density pursuant to Government Code Section 65915 or any successor statute and Chapter 16.40 (Affordable Housing Incentives/Density Bonus), any fractional number of units shall be rounded up to the next whole number.
- D. **Conflicting Requirements.** Any conflicts between different requirements of this Development Code, or between this Development Code and other regulations, shall be resolved as follows:

1. ***State and Federal Provisions.*** In the event of conflict, Federal and State of California regulations shall preempt the provisions of this Development Code.
2. ***Development Code Provisions.*** In the event of any conflict between the provisions of this Development Code, the most restrictive requirement shall control, unless otherwise specified.
3. ***Development Agreements, Master Development Plan, Precise Road Plans, or Specific Plans.*** In the event of any conflict between the requirements of this Development Code and standards adopted as part of any development agreement, master development plan, precise road plan, or specific plan, planned development permit, the requirements of the development agreement, master development plan, planned development permit, approved planned unit residential development (PURD), or specific plan shall control.
4. ***Municipal Code Provisions.*** In the event of any conflict between requirements of this Development Code and other regulations of the City, the most restrictive requirement shall control.
5. ***Mitigation Measures.*** In the event of any conflict between the requirements of this Development Code and mitigation measures adopted as part of a certified environmental impact report or approved negative declaration, the mitigation measures shall control, unless an amendment is requested by the Applicant and that amendment is approved by the City and/or Responsible Agencies in charge of the mitigation enforcement.
6. ***Private Agreements.*** This Development Code and its requirements shall not interfere with, repeal, abrogate, or annul any easement, covenant, or other agreement that existed at the time, or was entered into after, the ordinance codified in this Development Code became effective. This Development Code applies to all land uses and development in the City regardless of whether a private agreement or restriction imposes a greater or lesser restriction on the development or use of a structure or land. If a requirement of this Development Code is more restrictive, this Development Code shall apply; this Development Code, however, does not affect the applicability of any agreement or restriction. The City shall not enforce any private covenant or agreement unless it is a party to that covenant or agreement.

#### **16.08.030 Procedures for interpretations.**

Whenever the Director determines that the meaning or applicability of any of the requirements of this Development Code are subject to interpretation generally, or as applied to a specific case, the Director may issue an official interpretation or refer the question to the Commission for determination.

- A. **Request for Interpretation.** A request for an interpretation or determination shall be made to the Department and shall include all information described in the Instructions for Interpretation Requests, available from the Department, subject to the applicable fee.
- B. **Findings, Basis for Interpretation.** The issuance of an interpretation by the Director shall include findings stating the basis for the interpretation. The basis for an interpretation may include technological changes or new industry standards, in addition to the following findings:
  - 1. This interpretation is consistent with the applicable provisions of this Development Code;
  - 2. This interpretation will not be detrimental to the public convenience, health, interest, safety, or general welfare of the City or injurious to the property; and
  - 3. This interpretation will be consistent with the general land uses, objectives, policies, and programs of the General Plan, any applicable specific plan, precise road plan, or master development plan, and the intent of this Development Code.
- C. **Record of Interpretations.** Official interpretations shall be written, and shall quote the provisions of this Development Code being interpreted, and the applicability in the particular or general circumstances that caused the need for interpretations, and the determination.
- D. **Amendment.** Any provision of this Development Code that is determined by the Director to need refinement or revision will be corrected by amending this Development Code as soon as is practical. Until an amendment can occur, the Director shall maintain a complete record of all official interpretations as an appendix to this Development Code, which are indexed by the number of the chapter or section that is the subject of the interpretation.

- E. **Referral of Interpretation.** The Director has the option of forwarding any interpretation or determination of the meaning or applicability of any provision of this Development Code directly to the Commission for consideration.
- F. **Appeals.** Any interpretation of this Development Code by the Director may be appealed to the Commission as provided by Chapter 16.100 (Appeals).

## **Chapter 16.12 Land Use Permit Requirements**

### **16.12.010 Purpose of chapter.**

This chapter describes the general requirements of this Development Code for the approval of proposed development and new land uses by the City. Land use permit requirements for specific land uses are established by Divisions 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards), and 3 (Site Planning and General Development Regulations).

### **16.12.020 Requirements for development and new land uses.**

All uses of land and/or structures shall only be established, maintained, constructed, reconstructed, altered, or replaced, in compliance with the following requirements:

- A. **Allowable Uses.** The primary use of land shall be identified by zoning district, overlay district, specific plan, or planned development use regulations, or any other section of this Code as being allowable in the zoning district applied to the site. In addition, land uses may be allowable as follows:
  - 1. **Primary Land Uses.** If a primary land use is not identified, the Director may determine whether the particular land use is allowable by assigning the land use or activity to a classification that is substantially similar in character. Land uses not listed as being allowed and not substantially similar to an allowed use are prohibited.
  - 2. **Accessory Uses.** Uses accessory to a primary land use shall be allowed in compliance with Section 16.80.020 (Accessory uses).
  - 3. **Temporary Uses.** Temporary uses shall be established in compliance with Chapter 16.164 (Temporary Activity Permits).

- B. **Permit/Approval Requirements.** Any land use permit or other approval required by this Development Code shall be obtained before the proposed use is constructed or otherwise established, unless the proposed use is listed in Section 16.12.030 (Exemptions from development and land use approval requirements). The land use permit requirements of this Development Code are established by Chapter 16.20 (Allowable Land Use and Permit Requirements), and Chapter 16.28 (Overlay Zoning District Land Uses and Development Standards).
- C. **Development Standards.** The use of land and/or structure shall comply with all applicable requirements of this Development Code, including the zoning district standards of Division 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards), and the provisions of Division 3 (Site Planning and General Development Regulations):
1. A structure shall not be erected, maintained, converted, reconstructed, or structurally altered and land shall not be used for any purpose other than allowed in the zoning district in which the structure or land is located.
  2. A structure shall not be erected, maintained, reconstructed, or structurally altered to exceed the height or bulk limit for the zoning district in which the structure is located.
  3. A lot area shall not be reduced or diminished to such an extent that the yard(s) or other open space(s) will be smaller than required by this Development Code.
  4. The required yard and/or open space around a structure or on a vacant parcel shall not be used to meet the yard or open space requirements for any other existing or proposed structure.
  5. Every structure shall be located on a lot as defined by this Development Code.
  6. If a structure is converted to a residential unit or a residential unit is converted to increase the number of families that can be accommodated, it shall be located in a zoning district that permits that type of residential unit and shall comply with the development standards for the zoning district and provisions of this Development Code.
- D. **Conditions of Approval.** The use of land and/or structure and the location, height, and bulk of structures shall comply with any applicable conditions imposed by any previously granted land use permit or other approval.

- E. **Legal Parcel.** The use of land and/or structure shall only be established on a parcel of land, which has been legally created in compliance with the Map Act as applicable at the time the parcel was created, and Division 6 (Subdivision Regulations), as determined by the City Engineer. Legal nonconforming parcels may be used or developed in compliance with Chapter 16.228 (Nonconforming Uses, Structures, and Parcels).
- F. **Development Agreements, Master Development Plans, Precise Road Plans, or Specific Plans.** The use and/or structures shall comply with any applicable Development Agreement approved by the City in compliance with Chapter 16.128 (Development Agreements), master development plan approved by the City in compliance with Chapter 16.140 (Master Development Plans), Precise Road Plan in compliance with Chapter 16.148 (Precise Road Plans), or specific plan approved by the City in compliance with Chapter 16.156 (Specific Plans), planned unit residential development (PURDs), planned development permit approved by the City in compliance with Chapter 16.144.
- G. **Building Permits and Other Permits.** The structures shall comply with the requirements for building permits and applicable City, County, regional, Special District, State, or Federal permits.

#### **16.12.030 Exemptions from development and land use approval requirements.**

The land use approval requirements of this Development Code do not apply to the activities, uses of land, and/or structures identified by this section; however, the following activities, uses of land, and/or structures may require other permits or approvals in compliance with Section 16.12.040 (Additional permits and approvals may be required). The following are permitted in all zoning districts subject to compliance with all applicable development standards of this Development Code, any other applicable approvals, and this section:

- A. **Decks, Paths, Driveways, and Other Minor Site Improvements.** Decks, platforms, patio slabs, on-site paths, driveways, and other improvements that are not required to have building or grading permits by Title 15 (Buildings and Construction) of the Municipal Code, when these improvements:
  - 1. Do not exceed 30 inches above natural grade and are not constructed over any basement or structure below; and

2. Are not part of a development review or other discretionary application, or required as part of any specific condition of approval.
- B. **Fences and Walls—Residential Zoning Districts.** Fences and walls of seven (7) feet or less in height in the residential zoning districts are exempt from land use permit requirements as provided by Chapter 16.48 (Fences, Hedges, and Walls) unless located within the required front yard or street side yard setback.
- C. **Interior Remodeling.** Interior alterations that do not increase the gross floor area within the structure, or change the approved use of the structure.
- D. **Portable Spas and Hot Tubs, Fishponds.** Portable spas, hot tubs, fish ponds, etc., in compliance with side and rear setback requirements in Section 16.36.035 (Accessory structures) and any fencing requirements of the Building Code that do not:
1. Exceed 120 square feet in total area, including related equipment;
  2. Contain more than 2,000 gallons of water; and
  3. Exceed 30 inches in depth.
- E. **Reconstruction of Destroyed Uses and Structures.** A use of land and/or structure destroyed by fire or natural disaster may be re-established as it existed, provided that it was legally established and in compliance with the use and development standards of this Development Code before destruction. Any nonconforming use or structure shall meet the requirements for nonconforming uses in compliance with Chapter 16.228 (Nonconforming Uses, Structures, and Parcels) before any use or structure is reestablished or repaired.
- F. **Repairs and Maintenance.** Ordinary repairs and maintenance if the work does not result in any:
1. Change in the approved land use of the site or structure; or
  2. Addition to, or enlargement/expansion of, the land use and/or structure.
- G. **Solar Collectors.** The addition of solar collection systems to the roofs of existing structures.
- H. **Utilities.** The installation, construction, alteration, or maintenance by a utility or public agency of underground or overhead utilities (e.g., water, gas, electric, telecommunication, supply or disposal systems, including wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals,

hydrants, etc.), but not including structures housing equipment, shall be permitted in any zoning district, provided that the route of any electrical transmission line(s) for 50,000 volts or more may be subject to Commission and Council review and approval prior to acquisition of rights-of-way.

- I. **Governmental Facilities.** Facilities of the City, County, State, a school district, special district, or the Federal Government, on land owned or leased by a governmental agency for governmental operations, are exempt only to the extent mandated by State or Federal law or, with regard to city facilities, upon written determination of the City Manager.
- J. Electric vehicle charging devices including supporting equipment.
- K. Solar energy generation canopies located within existing parking lots when, as determined by the Director, no significant changes to circulation occur.

#### **16.12.040 Additional permits and approvals may be required.**

Before starting work or establishing new uses, all necessary permits shall be obtained, including permits required by the Municipal Code such as building, grading, or other construction permits (Title 15) or business licenses (Title 5) and any applicable County, regional, State, Federal, or special district regulations.

### **SECTION III: AMENDMENT OF CODE**

Title 16, Division 2, Chapter 16.16, Section 16.16.020 of the Stockton Municipal Code (SMC) is amended to read, as follows:

#### **16.16.020 Zoning districts established.**

The City shall be divided into zoning districts which implement the General Plan. The zoning districts described in Table 2-1 (Zoning Districts and Equivalent General Plan Designations) are hereby established and shall be shown on the official Zoning Map. The purposes of individual zoning districts are established in the following sections. Allowable land uses and permit requirements for each base district are found in Chapter 16.20 (Allowable Land Uses and Permit Requirements). Base zoning district development standards are in Chapter 16.24 (Zoning District Development Standards).



**TABLE 2-1: ZONING DISTRICTS AND EQUIVALENT GENERAL PLAN DESIGNATIONS**

<i>Zoning District Symbol</i>	<i>Zoning District Name</i>	<i>General Plan Designation</i>
<b>Base Zoning Districts</b>		
Residential Districts		
RE	Residential, Estate	Residential Estate
RL	Residential, Low Density	Low Density Residential
RM	Residential, Medium Density	Medium Density Residential
RH	Residential, High Density	High Density Residential, Commercial, Administrative Professional
Commercial Districts		
CO	Commercial, Office	Administrative Professional
CN	Commercial, Neighborhood	Commercial
CG	Commercial, General	Commercial
CH	Commercial, Heavy	Commercial
CD	Commercial, Downtown	Commercial
CL	Commercial, Large-Scale	Commercial
CA	Commercial, Auto	Commercial
Industrial Districts		
IL	Industrial, Light	Industrial
IG	Industrial, General	Industrial
PT	Port	Industrial, Institutional
Public and Semi-Public Districts		
PF	Public Facilities	Institutional, Parks and Recreation
OS	Open Space	Open Space/Agriculture
Other Districts		
MX	Mixed Use	Mixed Use
UC	University/College	University/College
<b>Overlay Districts</b>		
-AIR	Aircraft Operations Overlay District	All
-CHA	Channel Area Overlay District	All
-CI	Commercial Industrial Overlay District	All
-DES	Design Review Overlay District	All
-MHD	Magnolia Historic Overlay District	All
-SP	Specific Plan Overlay District	All

**TABLE 2-1: ZONING DISTRICTS AND EQUIVALENT GENERAL PLAN DESIGNATIONS**

<i>Zoning District Symbol</i>	<i>Zoning District Name</i>	<i>General Plan Designation</i>
<b>Base Zoning Districts</b>		
-TOD	Transit Oriented Development	All

A. **Residential Districts.** The purpose of the Residential Districts is to:

1. Provide for a full range of housing types to meet the diverse economic and social needs of residents;
2. Preserve, protect, and enhance the character of the City's neighborhoods;
3. Enhance the quality of life of residents;
4. Ensure that the scale and design of new development and alterations to existing development are appropriate to the physical and aesthetic characteristics of the proposed location; and
5. Provide sites for public and semi-public uses such as parks, schools, day care, and other community uses that serve residents and complement surrounding residential development.
6. Additional purposes of each Residential District are:
  - a. *RE (Residential, Estate)*. The RE District is intended to provide for residential development on large lots and other compatible uses in a semi-rural atmosphere and setting. It is intended to provide a transition from rural to urban areas on the urban fringe. The RE District is consistent with the Residential Estate General Plan Land Use Designation.
  - b. *RL (Residential, Low Density)*. The RL District is intended to provide for residential development, including single unit dwellings, duplexes, triplexes, semi-detached patio homes, town homes, and other residential development types, in a low-density residential neighborhood setting. This District also allows for public uses, quasi-public uses, and similar and compatible uses that may be appropriate in a low-density residential environment. The RL District is consistent with the Low Density Residential General Plan Land Use Designation.

- c. *RM (Residential, Medium Density)*. The RM District is intended to provide for a variety of housing types, including duplexes, townhouses, apartments, detached single-unit residential development on small lots, and other compatible uses appropriate in a medium density residential environment. This District also allows neighborhood-serving retail, commercial service, and mixed uses in appropriate locations that provide residents with easy access to daily services and necessities within their neighborhood, provided that they are compatible with surrounding uses. The RM District is consistent with the Medium Density Residential General Plan Land Use Designation.
- d. *RH (Residential, High Density)*. The RH District is intended to provide for a variety of high-density residential development, including high density single-unit dwellings, townhouses, group housing, condominiums, and apartments, and other compatible uses appropriate in a high-density residential environment. This District also allows neighborhood-serving retail, commercial service, and mixed uses in appropriate locations that provide residents with easy access to daily services and necessities within their neighborhood, provided that they are compatible with surrounding uses. The RH District is consistent with the High Density Residential, Commercial, and Administrative Professional General Plan Land Use Designations.

B. **Commercial Districts.** The purpose of the Commercial Districts is to:

- 1. Provide for the orderly, well-planned, and balanced development of commercial districts;
- 2. Designate adequate land for a full range of local- and regional-serving commercial and retail services, consistent with the General Plan;
- 3. Maintain and strengthen the City's economic resources;
- 4. Increase employment opportunities and expand the economic base of the City;
- 5. Provide appropriately-located commercial areas that provide a variety of goods and services for residents, employees, and visitors;

6. Provide opportunities for a mix of complementary uses that may combine residential and nonresidential uses, or a variety of non-residential uses, on the same site; and
7. Promote pedestrian-oriented, mixed-use commercial centers at appropriate locations.
8. Additional purposes of each Commercial Districts are:
  - a. *CO (Commercial, Office)*. The CO District is intended to be a transitional area between residential and general commercial uses. The primary uses in this district include offices, incidental retail and/or residential in conjunction with an office, and other compatible uses. The CO District is consistent with the Administrative Professional General Plan Land Use Designation.
  - b. *CN (Commercial, Neighborhood)*. The CN District is intended to provide for neighborhood centers that provide goods and services to meet the day-to-day needs of residents and visitors. These areas should promote land use types and designs to accommodate pedestrian and bicycle access and avoid auto oriented or auto dominated use types. The CN District is consistent with the Commercial General Plan Land Use Designation.
  - c. *CG (Commercial, General)*. The CG District is intended to provide areas for a wide variety of general commercial uses, including retail, personal and business services; commercial recreational uses; and a mix of office, commercial, and/or residential uses. The CG District is consistent with the Commercial General Plan Land Use Designation.
  - d. *CH (Commercial, Heavy)*. The CH District is intended to preserve urban industrial land as viable sites of production and employment while buffering heavy industrial activities from existing residential uses. Allowable uses in this place include light industrial, clean manufacturing, agricultural technologies, food processing, energy resources and technologies, offices, commercial uses to support business endeavors, repurposed buildings with live/work artist studios, and other non-noxious industrial and manufacturing uses. Residential uses are permitted in this zone; however, heavy

industrial or other land uses that could negatively impact adjacent sensitive receptors (i.e., housing, school, and civic uses) are prohibited. The CH District is consistent with the Commercial General Plan Land Use Designation.

- e. *CD (Commercial, Downtown)*. The CD District is applied to the downtown commercial area of the City. The intent of the CD zoning district is to encourage a mixture of high intensity urban uses to create a lively, pedestrian-friendly environment, with high visual quality. Appropriate uses include large scale commercial offices and office support uses, high-density residential development, tourist and lodging oriented uses, and governmental facilities. The CD District is consistent with the Commercial General Plan Land Use Designation.
- f. *CL (Commercial, Large-Scale)*. The CL zoning district is applied to areas appropriate for large-scale integrated commercial retail centers with shared parking facilities. The CL zoning district is intended to serve a regional market area, and is to be applied to sites of at least 25 acres. The CL zoning district is consistent with the Commercial General Plan Land Use Designation.
- g. *CA (Commercial, Auto)*. The CA zoning district is applied to areas appropriate for new and used automobile dealerships and related uses and is to be applied to sites of at least three acres. The CA zoning district is consistent with the Commercial General Plan Land Use Designation.

C. **Industrial Districts.** The purpose of the Industrial Districts is to:

- 1. Designate adequate land for commercial businesses, professional offices, and industrial growth, consistent with the General Plan;
- 2. Maintain and strengthen the City's economic resources;
- 3. Provide a range of employment opportunities to meet the needs of current and future residents; and
- 4. Provide areas for a wide range of manufacturing, industrial processing, and service commercial uses, and protect areas where such uses now exist.
- 5. Additional purposes of each Industrial District are:

- a. *IL (Industrial, Limited)*. The IL District is intended to provide areas for industrial businesses and operations that do not create adverse visual, noise, or other impacts on adjoining public and residential properties. This district allows for industrial, manufacturing, warehousing, service, retail, public and quasi-public uses, and other similar and compatible uses. Industries that use or produce substantial amounts of hazardous materials or generate noise, odor, or other pollutants are not permitted. The IL District is consistent with the Industrial General Plan Land Use Designation.
- b. *IG (Industrial, General)*. The IG district is intended to allow a wide range of industrial land uses, including uses that may be conducted outdoors or associated with nuisance or hazardous impacts. Includes ancillary office uses. The IG District is consistent with the Industrial General Plan Land Use Designation.
- c. *PT (Port)*. The PT District is applied to areas of the City that are operated by “port districts” as formed under the Harbors and Navigation Code Section 6210 et seq., for the operation of port facilities, including wharves, dockage, warehousing, and related port facilities. The PT District is consistent with the Industrial and Institutional General Plan Land Use Designations and the Rough and Ready Island Development Plan for the Port of Stockton (as applicable). Development and zoning code requirements within the PT zone are subject to the approved Development Agreement (DA) the City has with the Port. Should they expire, be amended, or mutually terminated, existing and future land uses shall utilize the IG (Industrial, General) zoning designations to regulate development.

D. **Public and Semi-Public Districts.** The purpose of the Public and Semi-Public Zoning Districts is to:

- 1. Provide land for the development of public, semi-public, and open space uses that provide services to the community and support existing and new residential, commercial, and industrial land uses;
- 2. Provide areas for educational facilities, cultural and institutional uses, health services, parks and recreation, general government operations, utility and public service needs, and other similar and related supporting uses;

3. Provide opportunities for outdoor recreation and meet the recreational needs of City residents; and
4. Reserve areas for passive recreation, open space, and habitat protection and enhancement.
5. Additional purposes of each Public and Semi-Public Zoning District are:
  - a. *PF (Public Facilities)*. The PF District is applied to areas appropriate for a variety of public and quasi-public land uses, including facilities and lands owned by the City, County, State, or Federal governments. Allowable land uses include public and quasi-public uses such as schools, libraries, colleges, water treatment facilities, airports, some governmental offices, federal installations, City and County parks, pedestrian and bicycle trails, golf courses, marinas, community centers, and other similar and compatible uses. The PF District is consistent with the Institutional and Parks and Recreation General Plan Land Use Designations.
  - b. *OS (Open Space)*. The OS District is applied to areas of the City with open space resources, including agricultural lands, wetlands, wildlife reserves, and other sensitive natural resources; passive recreational areas such as golf courses; or natural hazards. Structural uses are limited to those which support the maintenance and/or use of the open space area. The OS District is consistent with the Open Space/Agriculture General Plan Land Use Designation.

E. **Other Districts.** The purposes of Other Districts is as follows.

1. ***MX (Mixed Use)***. The MX District is intended to apply to large properties that can accommodate a wide range of land uses to promote integrated development addressing land use, design, circulation, recreation, public services, and natural resources and to ensure appropriate coordination of planning and development. The MX District is consistent with the Mixed Use General Plan Land Use Designation.
2. ***UC (University/College)***. The UC District is applied to areas of the City that are dedicated to private institutions of higher learning, to enable campus modifications or changes with the minimum, appropriate land use regulations. The UC District is consistent with the Administrative Professional General Plan Land Use Designation.

- F. **Overlay Zoning Districts.** The purposes of the overlay zoning districts are described in Chapter 16.28 (Overlay Zoning District Land Uses and Development Standards).

#### **SECTION IV: AMENDMENT OF CODE**

Title 16, Division 2, Chapter 16.20, Section 16.20.020 of the Stockton Municipal Code (SMC) is amended to read, as follows:

##### **16.20.020 Allowable land uses and permit requirements.**

Table 2-2 sets the land use regulations for the base zoning district. Land uses are defined in Chapter 16.250 (Use Classifications). In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity that is substantially similar in character. Land use not listed in the table and not substantially similar to the uses listed are prohibited. Section numbers in the right-hand column refer to other sections of this Code. Numbers in parentheses refer to specific limitations listed at the end of the table.

- A. **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. Development and zoning code requirements within the PT zoning district are subject to the approved Development Agreement (DA) the City has with the Port. Should the DA expire, be amended, or mutually terminated, existing and future land uses shall utilize the IG (Industrial, General) zoning designation to regulate development.
- B. **Overlay Zoning Districts.** Development located in overlay zoning districts shall be in compliance with Chapter 16.28 (Overlay Zoning District Land Use and Development Standards).



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

"P" = Permitted Use; "L" = Land Development Permit required; "A" = Administrative Use Permit required; "C" = Commission Use Permit required; "E" = Use not allowed, except under special circumstances "-" = Use not allowed

Land Use Classification	Base Zoning Districts															Additional Regulations
	R E	RL	RM	R H	C O	CN	CG	CL	CA	CH	CD	IL	IG	PF	O S	
Residential Uses																
Residential Dwelling Unit																
Single-Unit, Detached	P	P	P	A	-	-	-	-	-	-	-	-	-	-	-	
Single-Unit, Attached	A	P(1)	P(2)	A	-	-	-	-	-	-	-	-	-	-	-	
Multi-Unit Dwelling	A	A(1)	P(2)	P	P	P	P	P	P	P	P	-	-	-	-	
Accessory Dwelling Unit	See Section 16.80.310, Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs)															
Caretaker Unit	-	-	-	-	P	P	P	P	P	P	P	P	L	L	-	
Co-living	-	-	-	A	A	A	P	-	-	P	P	-	-	-	-	16.80.225 Co-living Facilities
Emergency Shelters	-	-	-	C	C	-	C	-	-	P	C	P	P	P	-	16.80.155 Emergency Shelter
Employee Housing (for Farmworkers)	Employee housing providing accommodations for six or fewer employees shall be deemed to be a single-unit structure with a residential land use, and shall be treated the same as a single-unit dwelling of the same type in the same zoning district.															
Family Day Care																
Small	Small and large family day cares are permitted in all zoning districts where residential uses are allowed and are considered residential uses of property.															
Large																
Group Residential	-	-	-	A	-	A	A	-	-	-	A	-	-	-	-	

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

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Land Use Classification	Base Zoning Districts															Additional Regulations
	R E	RL	RM	R H	C O	CN	CG	CL	CA	CH	CD	IL	IG	PF	O S	
Live-Work Space	-	-	-	P	P	P	P	P	-	P	P	P	-	-	-	
Low Barrier Navigation Center	Low barrier navigation centers consistent with California Government Code Section 65660 et seq, shall be permitted by right in all Zoning Districts where multi-unit and mixed-use residential development are permitted.															
Mobile Home Park	-	-	A	A	-	-	-	-	-	-	-	-	-	-	-	16.80.210, Mobile Home Parks and Subdivisions
Residential Care Facility																
Small	Small residential care facilities constitute a residential use and are subject only to those restrictions that apply to other residential uses of the same type in the same zoning district															
Large	-	-	L	L	L	-	-	-	-	A	L	-	-	-	-	16.80.300 Residential Care Homes
Residential Facility, Assisted Living	-	-	C	P	P	P	P	-	-	P	P	-	-	-	-	
Supportive Housing	See Section 16.80.400, Supportive and Transitional Housing															
Transitional Housing																
Public/Semi-Public, Recreational, and Institutional Uses																
Campgrounds and RV Parks	-	-	-	-	-	-	A	A	-	-	-	A	-	L	-	
Colleges and Trade Schools	-	-	-	-	P	P	P	P	P	P	P	P	P	P	-	
Commercial Entertainment and Recreation																

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

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Land Use Classification	Base Zoning Districts															Additional Regulations
	R E	RL	RM	R H	C O	CN	CG	CL	CA	CH	CD	IL	IG	PF	O S	
Card Rooms	-	-	-	-	-	-	C	C	L	C	C	C	-	-	-	16.80.040, Alcoholic Beverage Sales 16.80.270 Problem Uses
Cinema/ Theaters	-	-	-	-	P	P	P	P	L	P	P	-	-	-	-	
Indoor Entertainment and Recreation	-	-	-	-	L	L	L	L	L	L	L	L	-	L	-	
Outdoor Entertainment	-	-	-	-	-	-	C	C	C	C	C	C	-	A	-	
Outdoor Recreation	-	-	-	-	-	-	A	A	A	A	A	A	-	A	C	
Private Entertainment Facilities	-	-	-	-	-	-	C	C	-	C	C	C	-	-	-	
Community Assembly	A	A	A	A	P	P	P	P	L	P	P	P	P	P	-	16.80.080 Assembly, places of
Cultural Institutions	-	-	-	-	P	P	P	P	P	P	P	-	-	L	A	
Day Care Centers	-	-	C	C	P	P	P	P	P	P	P	-	-	L	-	16.80.100 Child Care Facilities
Hospitals and Clinics																
Clinics	-	-	-	-	P	P	P	P	-	P	P	-	-	L	-	
Hospitals	-	-	-	-	C	-	C	C	-	C	C	C	-	C	-	

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Land Use Classification	Base Zoning Districts															Additional Regulations
	RE	RL	RM	RH	CO	CN	CG	CL	CA	CH	CD	IL	IG	PF	OS	
Skilled Nursing Facility	-	C	C	P	P	-	P	P	-	P	-	-	-	L	-	
Instructional Services	-	-	-	A	P	P	P	P	L	P	P	P	-	L	-	
Parking Lots and Structures	-	-	-	-	A	A	P	P	P	P	P	P	-	L	-	
Parks and Recreation Facilities	P	P	P	P	P	P	P	P	P	P	P	-	-	P	P	
Public Safety Facilities	C	C	C	C	C	C	C	C	C	C	C	C	C	L	-	
Religious Facilities	A	A	A	A	P	P	P	P	P	P	P	P	-	L	-	16.80.080 Assembly, places of
Schools	-	A	A	A	A	A	A	A	-	A	A	-	-	A	-	
Social Service Facilities	-	-	-	-	A	-	A	A	-	A	A	C	C	A	-	
Vehicle, Truck, and Heavy Equipment Training	-	-	-	-	-	-	-	-	A	C	-	P	P	L	-	
<b>Commercial, Business, and Service Uses</b>																
Adult Related Establishments	-	-	-	-	-	-	P	P	-	P	P	-	-	-	-	16.80.030 Adult-Related Establishments
Animal Services																

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

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Land Use Classification	Base Zoning Districts															Additional Regulations
	R E	RL	RM	R H	C O	CN	CG	CL	CA	CH	CD	IL	IG	PF	O S	
<i>Animal Shelter and Boarding</i>	-	-	-	-	C	-	C	C	L	A	C	A	A	L	-	
<i>Pet Training and Day Care</i>	-	-	-	-	A	A	L	L	L	L	L	L	L	-	-	
<i>Veterinary Clinics and Hospitals</i>	-	-	-	-	A	A	P	P	P	P	P	P	-	-	-	16.80.370 Veterinary Clinics and Animal Hospitals
<b>Automobile/Vehicle Sales and Services</b>																
<i>Automobile/Vehicle Rental</i>	-	-	-	-	-	-	L	L	P	L	L	L	-	-	-	16.80.070 Auto and Vehicle Sales/Leasing/ Rental Facilities
<i>Automobile/Vehicle Sales and Leasing</i>	-	-	-	-	-	-	L	-	P	L	A(3)	P	-	-	-	16.80.070 Auto and Vehicle Sales/Leasing/ Rental Facilities
<i>Automobile/Vehicle Service and Repair, Minor</i>	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	16.80.320 Service Stations (Fueling Stations)
<i>Automobile/Vehicle Repair, Major</i>	-	-	-	-	-	-	-	-	P	A	-	P	P	-	-	16.80.340 Tow Truck Operators
<i>Large Vehicle and Equipment Sales, Service, and Rental</i>	-	-	-	-	-	-	A	-	A	A	-	P	P	-	-	16.80.070 Auto and Vehicle Sales/Leasing/ Rental Facilities

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Land Use Classification	Base Zoning Districts															Additional Regulations
	R E	RL	RM	R H	C O	CN	CG	CL	CA	CH	CD	IL	IG	PF	O S	
Fueling Stations	-	-	-	-	-	-	L	L	A	L	-	L	L	-	-	16.80.320 Service Stations (Fueling Stations) 16.80.340 Tow Truck Operators
Towing and Impound	-	-	-	-	-	-	-	-	-	-	-	L	P	-	-	16.80.340 Tow Truck Operators
Vehicle Washing	-	-	-	-	-	-	A	A	P	A	-	A	A	-	-	
Banks and Financial Services	-	-	-	-	P	P	P	P	P	P	P	-	-	-	-	
Business Support Services	-	-	-	-	P	P	P	P	P	P	P	P	P	-	-	
Cannabis Retailer																
Storefront	-	-	-	-	C	C	C	C	-	C	C	C	C	-	-	16.80.195 Cannabis Business Types
Non-Storefront	-	-	-	-	A	A	A	A	-	A	A	A	A	-	-	16.80.195 Cannabis Business Types
Commercial Kitchen	-	-	-	A	P	P	P	P	-	-	P	L	-	-	-	
Commissary	-	-	-	-	-	-	-	-	-	A	-	A	A	-	-	16.80.385 Commissary
Commissary Kitchen	-	-	-	-	-	-	-	-	-	-	-	A	A	-	-	16.80.385 Commissary
Drive-Through Facility	-	-	-	-	A	L <sup>(4)</sup>	L	L	L	L	L	L	L	-	-	16.80.150 Drive-in and Drive-through Facilities

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Land Use Classification	Base Zoning Districts															Additional Regulations
	R E	RL	RM	R H	C O	CN	CG	CL	CA	CH	CD	IL	IG	PF	O S	
Eating and Drinking Establishments																
Bars and Nightclubs	-	-	-	-	-	C	C	C	C	C	C	C	-	-	-	16.80.040, Alcoholic Beverage Sales
Food and Beverage Tasting	-	-	-	-	-	P	P	P	P	P	P	L	L	-	-	16.80.040, Alcoholic Beverage Sales
Restaurant	-	-	-	A	P	P	P	P	P	P	P	L	-	-	-	16.80.040, Alcoholic Beverage Sales; 16.80.250, Outdoor Dining and Seating
Food Truck Park																
Food Truck Pod	-	-	-	-	-	L	L	L	-	L	L	-	-	-	-	16.80.380 Food Truck Parks
Food Truck Hub	-	-	-	-	-	A	A	A	-	A	A	-	-	-	-	16.80.380 Food Truck Parks
Food Truck Plaza	-	-	-	-	-	C	C	C	-	C	C	-	-	-	-	16.80.380 Food Truck Parks
Food Truck Park/Commissary Co-Location	-	-	-	-	-	-	C	C	C	C	C	C	-	-	-	16.80.380 Food Truck Parks
Funeral Facilities and Services																
Cemeteries	-	C	C	C	C	-	C	-	C	C	C	C	C	C	C	16.80.165 Funeral Facilities and Services
Mortuaries	-	-	-	-	-	-	C	-	C	A	C	A	A	A	-	
Funeral Homes	-	-	-	-	A	A	A	-	A	A	A	-	-	-	-	
Crematorium	-	-	-	-	-	-	C	-	C	A	C	A	A	A	-	
Lodging																

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Land Use Classification	Base Zoning Districts															Additional Regulations
	R E	RL	RM	R H	C O	CN	CG	CL	CA	CH	CD	IL	IG	PF	O S	
<i>Bed and Breakfast Inns</i>	-	C	C	C	P	P	P	-	-	-	P	-	-	A	-	16.80.090 Bed and Breakfast Inns
<i>Hotels and Motels</i>	-	-	-	-	P	P	P	P	-	P	P	-	-	-	-	
<i>Offices</i>	-	-	-	-	P	P	P	P	P	P	P	P	P	L	-	16.80.240 Office Adjacent to Residential Zoning Districts
<b>Personal Services</b>																
<i>General Personal Services</i>	-	-	-	-	P	P	P	P	-	P	P	-	-	-	-	
<i>Body Piercing Studios</i>	-	-	-	-	-	C	C	C	-	C	A	-	-	-	-	
<i>Fortune, Palm, and Card Reader</i>	-	-	-	-	-	A	A	A	-	A	A	-	-	-	-	
<i>Massage Establishment, State Certified</i>	-	-	-	-	P	P	P	P	-	P	P	-	-	-	-	16.80.190, Massage Establishments
<i>Massage Establishment, Non-certified</i>	-	-	-	-	-	C	C	C	-	C	C	-	-	-	-	16.80.190, Massage Establishments
<i>Repair Services</i>	-	-	-	-	P	P	P	P	P	P	P	P	-	-	-	
<b>Retail Sales</b>																
<i>Building Materials Stores</i>	-	-	-	-	-	A	P	P	-	P	-	P	-	-	-	16.80.330 Shopping Centers and Large-Scale Commercial Retail Uses



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

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Land Use Classification	Base Zoning Districts															Additional Regulations
	R E	RL	RM	R H	C O	CN	CG	CL	CA	CH	CD	IL	IG	PF	O S	
Convenience Stores	-	-	-	-	-	C	C	C	-	C	C	-	-	-	-	16.80.040, Alcoholic Beverage Sales 16.80.140 Convenience Stores 16.80.270 Problem Uses 16.80.330 Shopping Centers and Large-Scale Commercial Retail Uses
Garden Centers	-	-	-	-	A	A	P	P	P	P	P	P	-	-	-	16.80.330 Shopping Centers and Large-Scale Commercial Retail Uses
General Retail	-	-	-	A	P	P	P	P	A	P	P	P	-	-	-	16.80.040, Alcoholic Beverage Sales 16.80.330 Shopping Centers and Large-Scale Commercial Retail Uses
Outdoor Retail Sales	-	-	-	-	-	-	A	A	-	-	-	A	A	-	-	16.80.260, Outdoor Display and Sales 16.80.330 Shopping Centers and Large-Scale Commercial Retail Uses
Pawn Shop	-	-	-	-	-	A	A	A	-	A	A	-	-	-	-	16.80.330 Shopping Centers and Large-Scale Commercial Retail Uses
<b>Industrial Uses</b>																

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Land Use Classification	Base Zoning Districts															Additional Regulations
	R E	RL	RM	R H	C O	CN	CG	CL	CA	CH	CD	IL	IG	PF	O S	
Artisan Manufacturing	-	-	-	-	-	-	P	P	-	P	P	P	P	-	-	
Cannabis Distribution	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	16.80.195 Cannabis Business Types
Cannabis Manufacturer	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	16.80.195 Cannabis Business Types
Cannabis Microbusiness	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	16.80.195 Cannabis Business Types
Cannabis Testing Laboratory	-	-	-	-	P	P	P	-	-	P	P	P	P	-	-	16.80.195 Cannabis Business Types
Contractor Shops and Yards	-	-	-	-	-	-	-	-	-	A	-	P	P	-	-	
Food and Beverage Production																
Artisan Food and Beverage	-	-	-	-	-	A	A	A	-	P	P	P	P	-	-	16.80.170 Industrial Uses
Food and Beverage Manufacturing	-	-	-	-	-	-	-	-	-	A	-	P	P	-	-	16.80.170 Industrial Uses
Heavy Industrial	-	-	-	-	-	-	-	-	-	-	-	-	A	-	-	16.80.170 Industrial Uses
Light Industrial	-	-	-	-	-	-	-	-	-	A	-	P	P	-	-	16.80.170 Industrial Uses
Petroleum Storage and Distribution	-	-	-	-	-	-	-	-	-	-	-	-	A	-	-	
Recycling Facility																

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

"P" = Permitted Use; "L" = Land Development Permit required; "A" = Administrative Use Permit required; "C" = Commission Use Permit required; "E" = Use not allowed, except under special circumstances "-" = Use not allowed

Land Use Classification	Base Zoning Districts															Additional Regulations
	R E	RL	RM	R H	C O	CN	CG	CL	CA	CH	CD	IL	IG	PF	O S	
Collection Facility	-	-	-	-	-	-	L	L	-	A	L	P	P	L	-	16.80.290, Recycling Facilities
Recycling Processing Facility	-	-	-	-	-	-	-	-	-	-	-	-	A	A	-	16.80.290, Recycling Facilities
Redemption Center, Major	-	-	-	-	-	-	C	C	-	C	C	C	C	C	-	16.80.290, Recycling Facilities
Redemption Center, Minor	-	-	-	-	-	-	A	A	-	A	A	A	A	A	-	16.80.290, Recycling Facilities
Reverse Vending Machine	-	-	-	-	P	P	P	P	P	P	P	P	P	P	-	16.80.290, Recycling Facilities
Research and Development	-	-	-	-	-	-	A	A	L	P	A	P	P	L	-	16.80.170 Industrial Uses
Salvage and Wrecking	-	-	-	-	-	-	-	-	-	-	-	-	A	-	-	16.80.170 Industrial Uses
Sanitary Services	-	-	-	-	-	-	-	-	-	-	-	C	A	L	-	
Warehousing and Storage																
Indoor Warehousing and Storage	-	-	-	-	-	-	-	-	-	P	-	P	P	-	-	16.80.200, Mini-storage Facilities 16.80.390, Industrial Warehouse Standards
Outdoor	-	-	-	-	-	-	-	-	-	A	-	P	P	L	-	
Personal Storage Facilities (mini-storage)	-	-	-	-	-	-	A	A	A	A	C	P	P	-	-	

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

"P" = Permitted Use; "L" = Land Development Permit required; "A" = Administrative Use Permit required; "C" = Commission Use Permit required; "E" = Use not allowed, except under special circumstances "-" = Use not allowed

Land Use Classification	Base Zoning Districts															Additional Regulations
	R E	RL	RM	R H	C O	CN	CG	CL	CA	CH	CD	IL	IG	PF	O S	
Vehicle Storage	-	-	-	-	-	-	-	-	P	A	-	L	L	P	-	
Wholesaling and Distribution	-	-	-	-	-	-	-	-	-	P	-	P	P	-	-	16.80.390, Industrial Warehouse Standards
<b>Transportation, Communication, and Utility Uses</b>																
Airports and Heliports	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	
Broadcasting Studio	-	-	-	-	P	P	P	P	A	P	P	P	P	P	-	
Communications facilities																
Major	-	-	-	-	A	-	A	A	A	A	A	A	A	A	-	Chapter 16.44 Wireless Communications Facilities
Minor	-	E	E	E	P	-	P	P	P	P	P	P	P	P	P	Chapter 16.44 Wireless Communications Facilities
Light Fleet-based Services	-	-	-	-	A	-	P	P	P	C	P	P	-	L	-	
Marinas	-	-	-	-	-	-	C	-	-	-	C	C	-	A	-	
Public Works and Utilities	-	-	-	-	-	-	-	-	-	C	-	C	C	L	-	
Transit stations and terminals	-	-	-	-	-	-	C	-	-	C	C	C	C	C	-	
Truck Parking	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	
Vehicle and freight terminals	-	-	-	-	-	-	-	-	-	-	-	P	P	L	-	

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

"P" = Permitted Use; "L" = Land Development Permit required; "A" = Administrative Use Permit required; "C" = Commission Use Permit required; "E" = Use not allowed, except under special circumstances "-" = Use not allowed

Land Use Classification	Base Zoning Districts															Additional Regulations
	R E	RL	RM	R H	C O	CN	CG	CL	CA	CH	CD	IL	IG	PF	O S	
Agriculture and Resource Related Uses																
Agricultural Activities & Facilities	P	-	-	-	-	-	-	-	-	-	-	-	P	-	A	16.80.060, Animal Regulations; 16.80.280, Produce Stands, Commercial
Cannabis Cultivation	-	-	-	-	-	-	-	-	-	-	-	C	C	-	C	16.80.195 Cannabis Business Types
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	L	P	16.80.130, Community Gardens; 16.80.285, Produce Stands, Urban Agriculture
Market Gardens/Urban Farm	L	A	A	A	P	P	P	P	-	P	P	P	P	-	P	16.80.060, Animal Regulations; 16.80.135, Market Gardens/Urban Farms; 16.80.285, Produce Stands, Urban Agriculture
Mineral Extraction	-	-	-	-	-	-	-	-	-	-	-	A	A	A	-	
Nurseries	L	-	-	-	C	A	P	P	-	P	P	P	-	-	-	
Urban Agriculture	P	P	P	P	P	P	P	P	-	P	P	P	P	-	P	16.80.060, Animal Regulations; 16.80.285, Produce Stands, Urban Agriculture; 16.80.350, Urban Agriculture
Other Uses																
Accessory Uses	See Section 16.80.020, Accessory Uses															

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

"P" = Permitted Use; "L" = Land Development Permit required; "A" = Administrative Use Permit required; "C" = Commission Use Permit required; "E" = Use not allowed, except under special circumstances "-" = Use not allowed

Land Use Classification	Base Zoning Districts															Additional Regulations
	R E	RL	RM	R H	C O	CN	CG	CL	CA	CH	CD	IL	IG	PF	O S	
Alcoholic Beverage Sales	See Section 16.80.040, Alcoholic Beverage Sales															
Amusement Devices	See Section 16.80.050, Amusement Devices															
Christmas Tree/Holiday Sales Facilities	See Section 16.80.110, Christmas Tree/Holiday Sales Facilities															
Home Occupations	See Section 16.80.160, Home Occupations															
Live Entertainment	See Section 16.80.180, Live Entertainment															
Outdoor Dining and Seating	See Section 16.80.250, Outdoor Dining and Seating															
Outdoor Display and Sales	See Section 16.80.260, Outdoor Display and Sales															
Problem Uses	See Section 16.80.270, Problem Uses															
Short-term Accessory Outdoor Sales	See Section 16.80.020.B.3, Short-term Accessory Outdoor Sales—Motorized Mobile Sales and Services, Non-Motorized Mobile Sales, and Motorized Food Wagons															
Specific Limitations: 1. Limited to a maximum of two dwelling units per building. 2. Limited to a maximum of four dwelling units per building. 3. Limited to dealers that sell new vehicles. 4. Only allowed in the Miracle Mile.																

## **SECTION V: AMENDMENT OF CODE**

Title 16, Division 2, Chapter 16.24 of the Stockton Municipal Code (SMC) is amended to read, as follows:

### **Chapter 16.24 Zoning District Development Standards**

#### **16.24.010 Purpose of chapter.**

This chapter provides regulations for development and new land uses in the zoning districts established by Section 16.16.020 (Zoning districts established). (Prior code § 16-230.010)

#### **16.24.020 General zoning district development standards.**

Subdivisions, new land uses and structures, and changes and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements of this chapter, the standards of Division 3 (Site Planning and General Development Standards), and all other applicable standards of this Code. (Prior code § 16-230.020)

#### **16.24.030 Residential Districts Development Standards.**

Table 2-3: Development Standards – Residential Districts, prescribes the development standards for Residential Districts. Section numbers in the Additional Regulations column refer to other sections of this Code.

TABLE 2-3: DEVELOPMENT STANDARDS – RESIDENTIAL DISTRICTS							
District	RE	RL	RM	RH			Additional Regulations
				Outside Downtown n	Greater Downtown n	Downtown Core n	
Minimum Lot Size							
Area (square feet unless stated)	1 acre	4,000	4,000	n/a	n/a	n/a	
Width (ft)	150	45	n/a	n/a	n/a	n/a	

Maximum Density	Maximum Density does not apply to lots less than 6,500 square feet in size in the RE, RL, or RM Districts						Either gross or net calculation may be used to determine allowable and required density. See also Chapter 16.52, Infill Development Standards, and Chapter 16.40, Affordable Housing Incentives / Density Bonus Provisions
<i>Dwelling units per net acre</i>	1.0	8.7	17.4	30	90	136	
<i>Dwelling units per gross acre</i>	0.9	6.1	13.1	24	72	108.8	
Minimum Density	Minimum Density does not apply to lots less than 6,500 square feet in size in the RE, RL, or RM Districts						
<i>Dwelling units per net acre</i>	n/a	n/a	8.8	17.5	20	20	
<i>Dwelling units per gross acre</i>	n/a	n/a	6.2	13.2	16	16	
Maximum Floor Area Ratio (FAR), applicable only to nonresidential floor area	n/a	n/a	0.3	0.3	3.0	5.0	
Maximum Height (ft)	35	35	35	45	n/a	n/a	16.36.090, Height Measurement and Height Limitations
Minimum Setbacks (ft)							
<i>Front</i>	15, 20 for front entry garages	15, 20 for front entry garages	15, 20 for front entry garages	10	10	10	16.36.110, Setback Regulations and Exceptions
<i>Street Side</i>	10, 20 for garages	10, 20 for garages	10, 20 for garages	10	10	10	
<i>Interior Side</i>	10	5	5	5	10	10	
<i>Rear</i>	30	10	10	10	10	10	
Maximum Lot Coverage (% of lot)	25	70	70	80	100	100	16.36.120, Site Coverage Calculation and Exceptions
Minimum Residential Open Space (sq ft/dwelling unit)	n/a	n/a	140, of which 40 must be private	140, of which 40 must be private	75, may be common or private	50, may be common or private	16.36.170, Residential Open Space



## 16.24.070

## Commercial Districts Development Standards.

Table 2-4: Development Standards – Commercial Districts, prescribes the development standards for Commercial Districts. Section numbers in the Additional Regulations column refer to other sections of this Code.

TABLE 2-4: DEVELOPMENT STANDARDS – COMMERCIAL DISTRICTS								
District	CO	CN	CG	CL	CA	CH	CD	Additional Regulations
Maximum Density								Either gross or net calculation may be used to determine allowable and required density. See also Chapter 16.52, Infill Development Standards, and Chapter 16.40, Affordable Housing Incentives / Density Bonus Provisions
Dwelling units per net acre	Downtown Core: 136 Greater Downtown: 90 Other Areas: 30							
Dwelling units per gross acre	Downtown Core: 108.8 Greater Downtown: 72 Other Areas: 24							
Minimum Density								
Dwelling units per net acre	Downtown Core: 20 Greater Downtown: 20 Other Areas: 17.5							
Dwelling units per gross acre	Downtown Core: 16 Greater Downtown: 16 Other Areas: 13.2							
Maximum Floor Area Ratio (FAR), applicable only to nonresidential floor area	Downtown Core: 5.0 Greater Downtown: 3.0 Other Areas: 0.3							
Maximum Height (ft)	45, up to 60 with Commission Use Permit approval	45	75	75	75	75	n/a	16.36.090, Height Measurement and Height Limitations
Minimum Setbacks (ft)								
Front	10	0	10	10	10	10	0	16.36.110, Setback Regulations
Street Side	10	0	10	10	10	10	0	
Interior Side	0, 10 adjacent to Residential Zone							

<i>Rear</i>	0, 10 adjacent to Residential Zone	and Exceptions
Minimum Residential Open Space (sq ft/dwelling unit)	Downtown Core: 50, may be common or private Greater Downtown: 75, may be common or private Other Areas: 140, of which 40 must be private	16.36.170, Residential Open Space

### 16.24.130 Industrial Districts Development Standards.

Table 2-5: Development Standards – Industrial Districts, prescribes the development standards for Industrial Districts. Section numbers in the Additional Regulations column refer to other sections of this Code.

TABLE 2-5: DEVELOPMENT STANDARDS – INDUSTRIAL DISTRICTS			
<i>District</i>	<i>IL</i>	<i>IG</i>	<i>Additional Regulations</i>
Maximum Floor Area Ratio (FAR)	0.6	0.6	
Maximum Height (ft)	60	n/a	16.36.090, Height Measurement and Height Limitations
Minimum Setbacks (ft)			
<i>Front</i>	10	10	16.36.110, Setback Regulations and Exceptions; and 16.80.390, Industrial and Warehouse Standards
<i>Street Side</i>	10	10	
<i>Interior Side</i>	0, 10 adjacent to Residential Zone	0, 10 adjacent to Residential Zone	
<i>Rear</i>	0, 10 adjacent to Residential Zone	0, 10 adjacent to Residential Zone	

### 16.24.150 PT (port) zoning district standards.

The uses of land allowed within the PT (port) zoning district shall be in compliance with the Rough and Ready Island Development Plan for the Port of Stockton, California (development plan) within the area specified in the plan. Any land zoned PT outside of the plan area shall be in compliance with this Development Code. The development plan and amendments to the development plan shall be consistent with the City of Stockton

General Plan as determined by the Director, subject to appeal to the Commission in compliance with Chapter 16.100 (Appeals).

The number of off-street parking spaces required in the PT (port) zoning district for industrial land under the control of the Stockton Port District, including refining, processing, recycling, terminalling, warehousing, wholesaling, distributing, shipping, receiving, cross-docking, or transloading operations, shall be:

- A. A minimum of three (3) parking spaces for every four (4) employees and a maximum of one (1) off-street parking space for each employee computed on the basis of the maximum number of employees which can be employed on the largest shift at any one (1) time; and
- B. One space for each company vehicle. (Ord. 015-09 C.S., eff. 12-3-09; prior code § 16-230.150)

#### **16.24.160 Public and Semi Public Districts Development Standards.**

Table 2-6: Development Standards – Public and Semi Public Districts, prescribes the development standards for Public and Semi Public Districts. Section numbers in the Additional Regulations column refer to other sections of this Code.

<b>TABLE 2-6: DEVELOPMENT STANDARDS – PUBLIC AND SEMI PUBLIC DISTRICTS</b>			
<i>District</i>	<i>PF</i>	<i>OS</i>	<i>Additional Regulations</i>
Maximum Floor Area Ratio (FAR)	Downtown Core: 5.0 Other Areas: 0.5	0.01	
Maximum Height (ft)	75	35	16.36.090, Height Measurement and Height Limitations
Minimum Setbacks (ft)			
<i>Front</i>	10	20	16.36.110, Setback Regulations and Exceptions
<i>Street Side</i>	10	20	
<i>Interior Side</i>	0, 10 adjacent to Residential Zone	20	
<i>Rear</i>	0, 10 adjacent to Residential Zone	20	

#### **16.24.180 MX (mixed use) zoning district standards.**

Proposed development and new land uses within the MX (mixed use) zoning district shall comply with the provisions of this section, and all other applicable provisions of this Development Code.

- A. Minimum Area for Zoning District. The MX zoning district shall only be applied to a site with a minimum area of 100 acres, unless the Council, upon the recommendation of the Commission, determines that implementation of a master development plan on a smaller site would be beneficial to the proposed project and the City, based on the following criteria:
  - 1. The site is appropriate for the type and intensity of the proposed project;
  - 2. Services and infrastructure for the site will be sufficient to accommodate the type and intensity of the proposed development;
  - 3. The proposed project would be compatible with, and not adversely impact, the surrounding neighborhood(s), including impacts from traffic, noise, light and glare, parking, and signs; and
  - 4. The proposed project would provide needed services, jobs, development, and/or amenities for the area in which the site is located.
- B. Master Development Plan Required. A master development plan pursuant to Chapter 16.140 (Master Development Plans) is required for each MX zoning district to identify specific allowable land uses and development regulations.
- C. Allowable Land Uses and Permit Requirements. The uses of land that may be allowed within the MX zoning district, and land use permit requirements for each allowable use shall be determined through the approval of a master development plan applicable to the specific site.
- D. Development Standards. Proposed development and new land uses within the MX zoning district shall comply with the development standards identified for the specific site in the applicable master development plan and the following:
  - 1. Mixed use developments shall be designed to be compatible with existing and neighboring land uses. The development shall not cause substantial impacts on existing access, light, noise, traffic, vibration, etc., if any.

2. Mixed use developments shall be designed with efficient land use and circulation patterns, and shall include infrastructure improvements and attractive site amenities compatible with the surrounding community.
3. Mixed use developments shall include a sign program in compliance with Section 16.76.050 (Comprehensive sign program).
4. Pole signs and freeway-oriented signs for a mixed use development shall not exceed the maximum height, area, and number for freeway-oriented signs in Section 16.76.100(E)(2)(a) (Freeway-oriented signs—CG, CD, CL, IL, IG, and PT zoning districts).

#### **16.24.190 UC (university/college) zoning district standards.**

Proposed development and new land uses within the UC (university/college) zoning district shall comply with the provisions of this section, and all other applicable provisions of this Development Code.

- A. **Master Development Plan Required.** A master development plan pursuant to Chapter 16.140 (Master Development Plans) is required for each UC zoning district to identify specific allowable land uses and development regulations.
- B. **Allowable Land Uses and Permit Requirements.** The uses of land that may be allowed within the UC zoning district, and land use permit requirements for each allowable use shall be determined through the approval of a master development plan applicable to the specific site, in compliance with Chapter 16.140 (Master Development Plans).
- C. **Development Standards.** Proposed development and new land uses within the UC zoning district shall comply with the development standards identified for the specific site in the applicable master development plan, in compliance with Chapter 16.140 (Master Development Plans) and the following:
  1. Universities and colleges shall be designed to be compatible with existing and neighboring land uses. The development shall not cause substantial impacts on existing access, light, noise, traffic, vibration, etc., if any; and
  2. Universities and colleges shall be designed with efficient land use and circulation patterns, and shall include infrastructure improvements and attractive site amenities compatible with the surrounding community.

3. Pole signs and freeway-oriented signs for a university or college shall not exceed the maximum height, area, and number for freeway-oriented signs in Section 16.76.100(E)(2)(b) (Freeway-oriented signs—CG, CD, CL, IL, IG, and PT zoning districts). (Prior code § 16-230.190)

#### **SECTION VI: AMENDMENT OF CODE**

Title 16, Division 3, Chapter 16.32, Section 16.32.060 of the Stockton Municipal Code (SMC) is amended to read, as follows:

##### **16.32.060                      Graffiti.**

Graffiti as defined in Section 8.24.020 of the Municipal Code, is prohibited and shall be removed in compliance with Chapter 8.24 of the Municipal Code.

#### **SECTION VII: AMENDMENT OF CODE**

Title 16, Division 3, Chapter 16.32, Section 16.32.070 of the Stockton Municipal Code (SMC) is amended to read, as follows:

##### **16.32.070                      Light and glare.**

Light or glare from mechanical or chemical processes or from reflective materials used or stored on a site shall be shielded or modified to prevent emission of light or glare beyond the property line, or upward into the sky.

#### **SECTION VIII: AMENDMENT OF CODE**

Title 16, Division 3, Chapter 16.36 of the Stockton Municipal Code (SMC) is amended to read, as follows:

#### **Chapter 16.36 General Development and Use Standards**

#### **16.36.010 Purpose.**

The purpose of this chapter is to prescribe development standards that apply, except where specifically stated otherwise, to development in all zoning districts to ensure that all development produces an environment of stable and desirable character that is harmonious with existing and future development, and protects the use and enjoyment of neighboring properties, consistent with the General Plan. (Prior code § 16-310.010)

#### **16.36.020 Applicability.**

- A. The standards of this chapter apply to all zoning districts, and therefore, are combined in this chapter. These standards shall be considered in combination with the standards for each zoning district in Division 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards), and Chapter 16.80 (Standards for Specific Land Uses). Where there may be a conflict, the standards specific to the zoning district or specific land use shall override these general standards.
- B. All structures, additions to structures, and uses shall conform to the standards of this chapter as determined applicable by the Director, except as identified in Chapter 16.228 (Nonconforming Uses, Structures, and Parcels). (Prior code § 16-310.020)

#### **16.36.030 Access—General.**

The following are general access requirements applicable to all land uses. More specific requirements for access are in Section 16.72.100 (Access, circulation, streets).

- A. Access to Streets. Every structure shall be constructed upon or moved to a legally recorded parcel with a permanent means of access to a public street or road, a private street or road, or an alley where permitted. The street, road, or alley shall conform to City standards. All structures shall be located to provide access for servicing, fire protection, and required off-street parking. Parcels located on a private street or road that were legally established before the effective date of this Development Code, are exempt from the required compliance with the latest adopted City standards for private streets or roads.
- B. Access to Structures. Accessory structures and architectural features shall not obstruct access to primary structures or accessory living quarters.

- C. Driveways. Driveways providing site access shall be from an improved street, alley, or other public and/or private right-of-way, and shall be designed, constructed, and maintained in compliance with the City's Standard Specifications and Plans and Section 16.64.090(A) (Front and street side setback areas), and the following:

1. General.

- a. The nearest edge of a driveway apron or curb return shall be at least five (5) feet from the nearest property line, centerline of a fire hydrant, utility pole, light standard, or other similar facility.
- b. The requirements of this section do not apply to freeways or controlled access highways and streets where access is limited by deed restrictions. The deed restrictions shall be reviewed for location and allowable width of opening.
- c. Driveways located within five (5) feet of the existing curb return at an alley intersection may be merged with the alley intersection pavement, requiring the removal of the curb return.
- d. All driveways abutting roll curbs shall be subject to the provisions of these regulations. All commercial driveways abutting roll curbs shall be installed and maintained under an encroachment permit.
- e. The entrance and exit of vehicles to and from property served by a driveway shall be confined to the established driveway.
- f. Driveways lacking standard curbs and gutters shall be subject to the requirements of Section 16.36.030(C)(4)(b) (Lack of standard curb).
- g. Pipes or under walk drains of size and at grade required by the City Engineer shall be installed to maintain drainage.

2. Residential.

- a. Number of Driveways. Residential sites shall be allowed the following number of driveways, except as otherwise approved by the City Engineer:
  - i. Single-Unit Dwellings. One (1) driveway. No access shall be permitted on collector or arterial streets unless no other frontage exists. Driveways on collector or arterial streets shall be subject to approval by the City Engineer.



- ii. Multi-Unit Development with Two or Three Units. One (1) driveway per local street frontage. No access shall be permitted on collector or arterial streets unless no other frontage exists. Driveways on collector or arterial streets shall be subject to approval by the City Engineer.
  - iii. Planned Development and Multi-Unit Development with Four or More Units. Planned Developments multi-unit development with four or more units shall be allowed the following number of driveways:
    - (1) Arterial/Collectors. For projects on streets identified as arterials or collectors:
      - (a) Less than Two (2) Acres. One (1) driveway shall be allowed.
      - (b) Two (2) or More Acres. Two (2) driveways shall be allowed.
    - (2) Other. For projects on other types of streets, one (1) driveway shall be allowed per street frontage.
- b. Driveway Spacing. Driveways shall be separated along the street frontage (driveways on the same or adjoining parcels) as follows or as otherwise approved by the City Engineer:
  - i. Single-Unit, Duplex, Triplex Residential Development. Driveways shall be separated by at least six (6) feet, unless a shared, single driveway is approved by the Director. The six (6) foot separation does not include the transition or wing sections on the side of the driveway.
  - ii. Planned Developments and Multi-Unit Development with Four or More Units. Where two (2) or more driveways serve the same or adjacent multi-unit development with four or more units or adjacent nonresidential development, the driveways shall be separated by a minimum of 50 feet.
- c. Distance from Street Intersections. Driveways to parking areas shall be located as follows:
  - i. Single-Unit, Duplex, Triplex Development. Driveways on local streets shall be located a minimum of 30 feet from the curb

return of the nearest intersecting street to the nearest edge of the driveway throat. No access shall be permitted on collector or arterial streets unless no other frontage exists. Driveways on collector and arterial streets shall be subject to approval by the City Engineer.

ii. Planned Developments and Multi-Unit Development with Four or More Units. Driveways shall be located as follows:

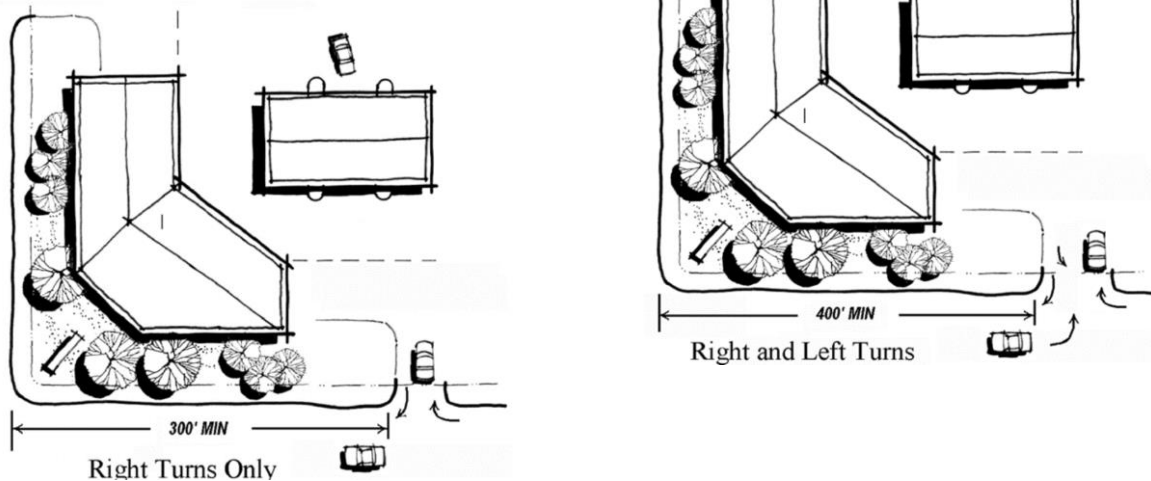
- (1) Urban. Driveways within urban areas shall be located as follows, except as otherwise approved by the City Engineer:
  - (a) Unsignalized Intersections. Driveways shall be located a minimum of 75 feet from the curb return of the nearest intersecting street to the nearest edge of the driveway throat.
  - (b) Signalized Intersections. Driveways shall be located a minimum of 125 feet from the curb return of the nearest intersecting street to the nearest edge of the driveway throat if only right turns are allowed into the driveway. If both right and left turns are allowed, the distance shall be a minimum of 275 feet.
- (2) Suburban. Driveways within suburban areas shall be located as follows:
  - (a) Unsignalized Intersection. Driveways shall be located a minimum of 150 feet from the curb return of the nearest intersecting street to the nearest edge of the driveway throat.
  - (b) Signalized Intersections. Driveways shall be located a minimum of 300 feet from the curb return of the nearest intersecting street to the nearest edge of the driveway throat, if only right turns are allowed into the driveway. If both right and left turns are allowed, the distance shall be a minimum of 400 feet.

- d. Width. The width of a residential driveway shall be measured along the street side property line. Except for the special approval of the City Engineer, the maximum width of a residential driveway shall not exceed 26 feet.
  - e. Standards. Driveways for single-unit dwellings shall comply with the requirements of Section 16.64.090(A) (Parking in residential zoning districts—Front and street side setback areas).
3. Nonresidential.
- a. Number of Driveways. Nonresidential sites on arterial or collector streets shall be allowed the following number of driveways:
    - i. Urban. The number of driveways shall be as follows, except as otherwise approved by the City Engineer:
      - (1) Site of Two (2) or More Acres and/or Integrated Center, with at Least 150 Feet of Frontage per Street.
        - (a) One (1) driveway per street frontage; and
        - (b) One (1) additional driveway per street frontage if that frontage exceeds 400 feet in length. If the site is located on a collector street and the frontage does not exceed 400 feet in length, one additional common/shared driveway may be allowed, subject to the recordation of reciprocal access easements.
    - ii. Suburban. The number of driveways shall be as follows:
      - (1) Site of Less Than Two (2) Acres/Not an Integrated Center. One (1) driveway shall be allowed per street frontage; and
      - (2) Site of Two (2) or More Acres and/or Integrated Center, with at Least 400 Feet of Frontage per Street.
        - (a) One (1) driveway per street frontage; and
        - (b) One (1) additional driveway per street frontage if that frontage exceeds 800 feet in length. If the site is located on a collector street and the frontage does not exceed 800 feet in length, one

additional common/shared driveway may be allowed subject to the recordation of reciprocal access easements.

- b. Distance from Street Intersections. Nonresidential driveways to parking areas shall be located as follows:
  - i. Downtown. The location of driveways shall be as approved by the City Engineer.
  - ii. Urban (Including Special Purpose Zones and Overlay Districts). The location of driveways shall be as follows:
    - (1) Unsignalized Intersections. Driveways shall be located a minimum of 75 feet from the curb return of the nearest intersecting street to the nearest edge of the driveway throat.
    - (2) Signalized Intersections. Driveways shall be located a minimum of 125 feet from the curb return of the nearest intersecting street to the nearest edge of the driveway throat if only right turns are allowed into the driveway. If both right and left turns are allowed, the distance shall be a minimum of 275 feet.
  - iii. Suburban. Driveways to parking areas on arterial and collector streets shall be located as follows:
    - (1) Unsignalized Intersections. Driveways shall be located a minimum of 150 feet from the curb return of the nearest intersecting street to the nearest edge of the driveway throat.

- (2) Signalized Intersections. Driveways shall be located a minimum of 300 feet from the curb return of the nearest intersection to the nearest edge of the driveway throat if only right turns are allowed into the driveway. If both right and left turns are allowed, the distance shall be a minimum of 400 feet. See Figure 3-2.



**FIGURE 3-2 DRIVEWAY DISTANCE FROM INTERSECTION**

- c. Driveway Spacing. Driveways shall be separated along the street frontage so that where two (2) or more driveways serve the same or adjacent nonresidential development, the driveways shall be separated by a minimum of 50 feet. Exceptions to this standard shall be subject to the approval of the City Engineer and in no case shall the distance between driveways be less than 12 feet.
- d. Width. The width of nonresidential driveways shall comply with the following:
- i. The standard width of a nonresidential driveway shall not exceed 30 feet. The City Engineer may allow a wider driveway if:
- (1) The total driveway width does not exceed 50 percent of the frontage of the property.
  - (2) The driveway would:

- (a) Not create an adverse impact on the public street or interfere with the proper development of the property because of existing structures, an unusual shape or dimensions; and
    - (b) Not adversely affect pedestrian and traffic safety or adjacent properties, or modify the standards.
  - ii. If the property abuts more than one (1) street, the width for a driveway on each street shall be considered separately and shall be based on the frontage of the property on that street only.
  - iii. The width of the driveway shall be measured at the end of the curb return or apron on the private property side of the street side of the property line.
  - iv. If the above standards would create an adverse impact on the public street or interfere with the proper development of the property because of existing structures, an unusual shape or dimensions, the City Engineer may, where such action would not adversely affect pedestrian and traffic safety or adjacent properties, modify the standards. In no case shall the width of a nonresidential driveway exceed 60 feet.
- e. Special Driveways.
  - i. Parking Facilities. Encroachment permits for driveways for commercial, public, or private parking facilities shall not be issued until plans for the parking facilities have been approved by the Director or a use permit has been issued, as appropriate; and
  - ii. Service Stations. Encroachment permits for driveways for service stations shall not be issued unless a clear distance of 18 feet is provided between the nearest fuel pump block and the contiguous street right-of-way in compliance with Section 16.80.320 (Service stations).

#### 4. Driveway Construction.

- a. Permit. An encroachment permit in compliance with Section 16.72.125 (Encroachment permit) shall be required for the construction of all new driveways or the reconstruction of an existing driveway located on a public right-of-way.
  - i. Requirements. The encroachment permit may be obtained by a licensed contractor. The applicant shall be responsible for the work performed. The applicant shall have the written consent of the property owner.
  - ii. Permit Conditions.
    - (1) If a curb has been opened or ramped for driveway installation and the driveway is subsequently abandoned, the property owner shall restore the curb to its original section or remove the ramp, as determined by the City Engineer. If the owner, agent, or person in possession of the property fails to restore the curb and gutter to their original section, the City shall complete the work and all cost shall be borne by the owner/applicant.
    - (2) The applicant shall exercise reasonable care to properly maintain a driveway that the applicant placed in the street and to exercise reasonable care in inspecting for, immediately repairing, and making good any damage to any portion of the street which occurs as a result of the work done under the encroachment permit, including any and all damages to the street which would not have occurred had the work not been done or the driveway not placed in that location.
    - (3) The applicant shall be responsible for all liability for personal injury or property damage which may occur out of the failure of the applicant to perform the obligations of the permit. In the event any claim for liability is made against the City, or any department, office, or employee of the City, the applicant shall defend, indemnify, and hold them and each of them harmless from such a claim.
- b. Lack of Standard Curb. Where standard curbs and gutters are lacking, driveways within the right-of-way lines may be surfaced by extending the same type of surfacing existing on the property so as to merge with the street pavement. The surfacing shall be adequate

for the traffic to be carried and constructed to the established grade and other slope to provide for proper drainage with a pipe size of sufficient diameter, as determined by the City Engineer. If the driveway pavement is extended beyond the property line into the City's right-of-way at an intersection, the City Engineer may require the applicant to construct a suitable traffic island or curb section to provide for installation and protection of and traffic signals or signs as may be deemed necessary.

- c. Removal of Existing Curbs. If a curb is opened to permit installation of a driveway, all the existing concrete in the curb and/or gutter shall be removed, except as otherwise directed by the City Engineer. No curb or gutter shall be removed until the driveway plan has been approved and the encroachment permit issued.
  - d. Completion. The construction of driveways requiring a breakout of a curb section shall be diligently pursued to completion. If work is not completed within 45 working days after the date of the issuance of the encroachment permit, the property owner shall reimburse the City to:
    - i. Restore the original curb and gutter section; or
    - ii. Complete the work in accordance with the approved plans.
  - e. Inspection and Approval.
    - i. Driveway construction shall be subject to the approval of the City Engineer. It shall be the responsibility of the applicant to request the inspection in compliance with the requirements/provisions of the encroachment permit.
    - ii. Completed driveways shall conform to the approved plan and the terms of the encroachment permit. Work not in conformity with the approved plan and encroachment permit shall be removed and properly replaced at the expense of the owner.
  - f. Maintenance. Driveways shall be maintained in good condition by the property owner.
- D. Traffic Sight Area. Structures or landscaping over 30 inches in height shall not be allowed within a traffic sight area formed by the intersection of public rights-of-way,



driveways, or alleys as determined by the City Engineer in compliance with Section 16.36.140 (Traffic sight area). (Ord. 015-09 C.S., eff. 12-3-09; Ord. 023-07 C.S. §§ 16, 17; prior code § 16-310.030)

## **16.36.035                    Accessory Structures**

### **A.        Applicability.**

1.        ***Detached Structures.*** The provisions of this Section apply to roofed structures, including but not limited to garages, carports, sheds, workshops, gazebos, and covered patios that are detached from and accessory to a main building on the site. These provisions also apply to open, unroofed structures such as decks and trellises that are over 24 inches in height and are detached from and accessory to a main building on the site.
2.        ***Attached Structures.*** The provisions of this Section do not apply to accessory structures attached to a main building, which shall comply in all respects with the requirements of this Code applicable to the main building. Structures with a common wall or roof with the main building, or that rely partially on the main building for structural support, shall be considered part of the main building.
3.        ***Accessory Dwelling Units.*** Accessory Dwelling Units, attached or detached, are subject to the standards of Section 16.80.310 (Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs)).

### **B.        Relation to Existing Structures.** A detached accessory structure may only be constructed on a lot on which there is a permitted primary structure to which the accessory structure is related.

### **C.        Development Standards.** Accessory structures shall meet the development standards of the zoning district in which they are located except as follows:

1.        ***Setback Areas.*** Detached accessory structures, or portions thereof, located within required setback areas shall comply with Section 16.36.110 (Setback Regulations and Exceptions).
2.        ***Maximum Height.*** Accessory structures shall not exceed a height of 15 feet.

#### 16.36.040

#### Agriculture preservation (right to farm).

- A. **Purpose.** It is the public interest to preserve the City and County's agricultural operations while minimizing conflicts to new urban development. The intrusion of urban development often leads to restrictions on agricultural operations to the detriment of the agricultural uses. The purposes of this section are to:
1. Preserve, protect, and encourage the use of viable agricultural lands for food and agricultural production and the keeping of livestock;
  2. Recognize and support the right of persons and entities to farm;
  3. Reduce the loss of agricultural operations by limiting the circumstances under which an agricultural operation may be considered a nuisance; and
  4. Advise prospective purchasers, residents, and tenants of property adjoining or near agricultural operations (including the keeping of livestock), of the inherent conflicts associated with the purchase of a residence near an agricultural operation including the presence of chemicals, dust, light, noise, odors, and traffic that may occur near agricultural operations.
- B. **Nuisance.** No agricultural activity, operation, or facility, or appurtenances thereof conducted or maintained for commercial purposes, and in a manner generally consistent with recognized minimum customs and standards, as established and followed by similar agricultural operations, shall be or become a nuisance, private or public, due to any changed conditions in or about any land proximately located to any farming operation.
- C. **Conclusive Presumption.** A conclusive presumption shall apply in any administrative, civil, or criminal action or proceeding arising directly or indirectly from a decision by the City to convert proximately located land from agriculture to urban uses that all persons or entities enjoying or occupying the converted land had full knowledge of existing or future agricultural activity and operation and as a condition of enjoying, directly or indirectly, the benefits conferred by the land use decision of the City specifically waived any objection, complaint, or disagreement to the agricultural operator's right to continue conducting farming existing and future agricultural activities and farming operations.
- D. **Deed Restriction.** Each tentative subdivision map approved or use permit issued to convert proximately located land from agriculture to urban uses shall contain a condition requiring the landowner report a deed restriction waiving any right to

complain about or file any action concerning farming operations and practices. The Stockton City Attorney shall approve the form of the deed restriction.

- E. **Cooperation.** The City of Stockton shall cooperate with the City of Lodi and other governmental agencies concerning the funding and purchasing of conservation easements for lands located between the two (2) cities.
- F. **Disclosure.** The approval of all parcel, tentative, or vesting tentative maps adjacent to or near agricultural lands shall require the owners, developers, or successors-in-interest to notify all purchasers of lots within the project site of the nature and extent of existing agricultural activities, operations, and facilities in the vicinity of the project site. If the first purchaser of a lot is a builder, this requirement shall extend to the builder so that the actual homeowner receives the notice.
  - 1. This disclosure shall provide notice of the potential conflicts or effects of typical agricultural activities including, noise, odors, dust, agricultural spraying, agricultural burning, etc. Notice shall be provided in compliance with California Civil Code Section 3482.5, stating that typical agricultural activities shall not be considered a nuisance except as otherwise provided in that Civil Code section. (Ord. 036-04 C.S. § 2; prior code § 16-310.040)

#### **16.36.045 Containerized Storage Units**

Unmodified, stackable, metal shipping containers that are greater than 120 square feet in size, not permanently affixed to the grounds, and used for accessory storage are allowed in compliance with the following standards.

- A. **Allowed Districts.**
  - 1. ***Residential Districts.*** Permanent containerized storage units are prohibited. Temporary units are allowed only for the storage of construction materials on the same site as an active Building Permit.
  - 2. ***Commercial Districts.*** Permanent containerized storage units are prohibited. Temporary units may be allowed subject to a Temporary Activity Permit.
  - 3. ***Industrial Districts.*** Temporary and permanent containerized storage units shall be allowed in compliance with the requirements of this Development Code for primary structures, including the following:

- a. *Screening.* All containerized storage units shall be screened from public rights-of-way in compliance with Section 16.36.100 (Screening and Buffering).
  - b. *Parking.* The containerized storage unit shall be included in determining the parking requirements for the primary use in compliance Chapter 16.64 (Off-Street Parking and Loading Standards).
- B. **Modifications.** Any modification or permanent attachment to the ground shall be subject to the requirements of this Development Code, the Municipal Code, the California Building Standards Code, standard plans and specifications, and Design Review.

#### **16.36.050 Historic and Cultural resources.**

- A. General Provisions. If any historical, cultural, or archaeological resource or human remains may be impacted by any project requiring a discretionary land use permit, the Director shall be notified, any survey needed to determine the significance of the resource shall be conducted, and the proper environmental documents shall be prepared.
  - 1. Historical or cultural resources that are not designated but that are determined to be eligible for the California Register of Historical Resources shall be considered as such for the purposes of the California Environmental Quality Act (CEQA).
- B. Archaeological Resources. In the event that archaeological resources are discovered during any construction, construction activities shall cease, and the Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may occur in compliance with State and Federal law.
- C. Human Remains. In the event human remains are discovered during any construction, construction activities shall cease, and the County Coroner and Director shall be notified immediately in compliance with CEQA Guidelines 15064.5 (d). A qualified archaeologist shall be contacted to evaluate the situation. If the human remains are of Native American origin, the Coroner shall notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify the most likely descendent of

the Native American to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. (Prior code § 16-310.050)

D. Historic Resources.

1. Applicability. The standards of this Section apply to all designated landmarks, historic sites, structures of merit, and historic preservation districts.
2. Certificate of Appropriateness Required. Except for exemptions listed below, a Certificate of Appropriateness pursuant to Chapter 16.220.060 (Certificates of Appropriateness) shall be required for the following:
  - a. Any exterior alteration, expansion, demolition, relocation, or removal of any building, structure, artifact, natural or designed landscape feature, or site within a historic preservation district unless exempted below;
  - b. Any exterior alteration, expansion, construction, demolition, relocation, or removal of any designated historic landmark or structure of merit unless exempted below;
  - c. Any new construction within a historic preservation district or on the property of a landmark or structure of merit; and,
  - d. Any removal, alteration, expansion, or addition of lights, signs, designed landscape feature, street trees, or other frontage improvements in a historic preservation district or property of a landmark and structure of merit.
  - e. Exemptions. The requirement for a Certificate of Appropriateness shall not apply to the following:
    - i. Interior changes to a building or structure;
    - ii. Minor changes, including:
      - (1) Landscaping that does not alter the style or character of the site, building, or structure or adversely impact the general architectural and/or cultural features of the property;
      - (2) Electronic security systems;
      - (3) Interior fire and life safety devices and/or systems;

- (4) Application of same or similar paint colors to existing buildings except for those surfaces which, in the opinion of the Director, have historically been unpainted (e.g., masonry, wood shingles, chimneys). and,
    - (5) Other conditions the Director determines to be minor.
  - iii. If the Director determines that an emergency or hazardous condition exists and that it needs to be corrected to ensure public health, safety, and welfare.
- 3. Historic Resource Demolition / Relocation Permit. A Historic Resource Demolition / Relocation Permit pursuant to Chapter 16.220.150 (Demolition or Relocation of Historic Structures) is required for the demolition or relocation of a historic resource.
- 4. Maintenance.
  - a. Responsibility to Maintain. All property owners and/or tenants of landmarks, historic sites, structures of merit, and buildings and structures in a historic preservation district shall maintain and keep in repair the historical resources and premises which shall be preserved against decay and deterioration by being kept free from the following structural defects:
    - i. Deteriorated or inadequate foundation, which jeopardizes structural integrity;
    - ii. Defective or deteriorated floor supports or any structural members of insufficient size to carry imposed loads with safety, which jeopardizes structural integrity;
    - iii. Members of external or interior walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration which jeopardizes structural integrity;
    - iv. Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration or are of insufficient size or strength to carry imposed loads with safety which jeopardizes structural integrity;
    - v. Deteriorated or crumbling exterior plasters, mortar, or stucco;

- vi. Lack of weather protection or ineffective waterproofing of exterior walls, roof, and foundations, including broken windows or doors;
    - vii. Peeled paint, rotting, holes, and other forms of decay;
    - viii. Lack of maintenance of the surrounding environment (e.g., accessory structures, fences, gates, landscaping, sidewalks, signs, and steps); or
    - ix. Any deteriorated feature creating, or allowing the creation of, any hazardous or unsafe condition or conditions.
  - b. Time for Correction. The owner or the owner's agent shall repair the object, building, structure, or site within the period of time specified in the written order to correct defects or repairs to any historical resource in compliance with Subsection D.1.a (Responsibility to Maintain), above, so that the historical resource shall be preserved and protected in compliance with the purpose of this Chapter.
  - c. Property Maintenance Standards. The property shall be maintained in compliance with Chapter 8.36, Property Maintenance Standards, of the Municipal Code.
  - d. Ordinary Maintenance and Repair. Nothing in this Section shall be interpreted to prevent the ordinary maintenance or repair of any exterior architectural feature in, or on, any designated historical resource that does not involve a modification or change in design, material, or external appearance.
5. Economic Hardship. If a determination of economic hardship is made, the Review Authority shall take it into consideration in making any decision regarding a historic landmark, historic preservation district, or historic site.
- a. Standards. The Board may make a determination of economic hardship if the property owner can demonstrate that one of the following standards apply:
    - i. Income Producing Property. The income producing property would be unable to obtain a reasonable rate of return in its present condition or if rehabilitated; or

- ii. **Non-Income Producing Property.** The non-income producing property has no beneficial use as a single-unit dwelling, duplex, triplex, or institutional use in its present condition or if rehabilitated.
- b. **Lack of Hardship.** A determination of economic hardship shall not be based on, or include, any of the following circumstances:
  - i. Willful or negligent acts by the owner;
  - ii. Purchase of the property for substantially more than market value;
  - iii. Failure to perform ordinary maintenance or repairs;
  - iv. Failure to diligently solicit and retain tenants; or
  - v. Failure to provide normal tenant improvements.

#### **16.36.060 Demolition and Relocation of Buildings.**

The demolition and relocation of buildings, structures, or site features (or portions thereof) are subject to the standards and permit requirements of Title 15, Buildings and Construction, of the Stockton Municipal Code. In addition to the standards and permit requirements of Title 15, the demolition and relocation of the following require a Historic Resource Demolition/Relocation Permit pursuant to 16.220.150 (Demolition or Relocation of Historic Structures).

- A. Buildings, structures, or site features that are designated City Landmarks, contributing structures located in an Historic Preservation District, a Structure of Merit, or buildings or structures listed on any other local, State or Federal register.
- B. Buildings or structures constructed or in place at least 50 years before the date of application for demolition or relocation.
- C. **Exemptions.** Buildings, structures, or site features that are deemed to be unsafe or a public nuisance, in accordance with Title 15 of the Municipal Code, may be issued a demolition / relocation permit, as determined by the Director. The Department may retain a structural engineer, at the expense of the applicant, to assist the Director in making a determination.



#### **16.36.070 Environmental compliance.**

All proposed projects/activities (ministerial and discretionary) shall adhere to the applicable mitigation measures for any previously adopted or certified environmental document for which the land was zoned or entitled to allow the intended use. In compliance with Section 15096 of the CEQA Guidelines and City's CEQA Guidelines, the applicable environmental document(s) shall be referenced and when necessary, the CEQA findings shall be adopted or recommended for any project approvals in which the City is a lead or responsible agency (as defined in CEQA) for the approvals, as applicable.

#### **16.36.075 Graffiti Prevention and Ease of Removal Provisions**

In addition to the standards and requirements of Chapter 8.24, Graffiti, of the Municipal Code, the following graffiti prevention and ease of removal provisions apply.

- A. **Applicability.** All multi-unit projects, nonresidential projects, and back-up walls shall incorporate either paint or graffiti-resistant coatings pursuant to Subsection 16.36.075.B (Paint or Coatings) or graffiti-limiting landscaping pursuant to Subsection 16.36.075.C (Graffiti-Limiting Landscaping).
- B. **Paint or Coatings.** Walls shall be painted with two coats of flat, exterior, water-based, 100 percent acrylic paints with low volatile organic compounds which meet the standards of the California Air Resources Board. If the wall includes natural stone, brick, or similar material, a clear coating that allows for graffiti abatement shall be applied to the surface in accordance with manufacturers instructions.
  - 1. **Back-up Walls.**
    - a. Back-up walls maintained through the Stockton Consolidated Landscape Maintenance Assessment District shall be painted with two coats of flat, exterior, water-based, 100 percent acrylic paint in a standard color that is readily available from a local paint store or home improvement center. If the wall includes natural stone, brick or similar material, a clear coating that allows for graffiti abatement shall be applied to the surface in accordance with manufactures instructions.
    - b. Property owner associations shall be responsible for abatement of all graffiti on back-up walls maintained through a private maintenance association in accordance with all applicable sections of this Municipal Code.

2. **Materials.** A supply of paint or compatible graffiti-removal material shall be provided to the City in compliance with Sections 8.24.170 and 8.24.180 of the Municipal Code.
- C. **Graffiti-Limiting Landscaping.** Property in front of solid fences and walls shall be landscaped with vegetation that will cover at least 80 percent of the fence / wall within three years. Modifications to this standard may be granted by the Director where site characteristics make it infeasible or impractical to provide the required landscaping and the Director finds that adequate alternative measures have been incorporated into the project to limit graffiti.

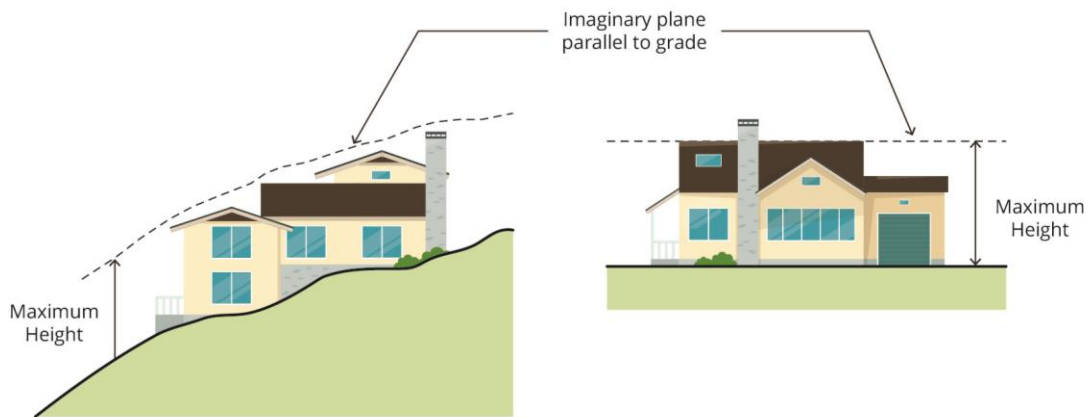
#### **16.36.080 Hazardous materials.**

- A. **Purpose.** The following standards are intended to ensure that the use, handling, storage, and transportation of hazardous materials comply with all applicable State laws (Government Code Section 65850.2 and Health and Safety Code Section 25505, et seq.) and that appropriate information is reported to the City.
- B. **Applicability.** The standards of this section apply to the use, handling, storage, and transportation of hazardous materials.
  1. For the purposes of this section, “hazardous materials” shall include materials that meet the requirements of Tables 105A and 105B and Section 105 (Permits) of the Fire Code adopted by the City of Stockton.
- C. **Use Permit Required.** An administrative use permit in compliance with Chapter 16.168 (Use Permits) shall be required for any new commercial, industrial, institutional, or accessory use, or major addition (over 10 percent) to an existing use within 1,000 feet of a residential zoning district that involves the manufacture, storage, handling, or processing of hazardous materials in sufficient quantities that would require permits as hazardous materials.
- D. **Reporting Requirements.** All businesses required by State law (Health and Safety Code, Section 6.95) to prepare hazardous materials release response plans and hazardous materials inventory statements shall upon request submit copies of these plans, including any revisions, to the Fire Department.
- E. **Underground Storage.** Underground storage of hazardous materials shall comply with all applicable requirements of State law (Health and Safety Code, Section 6.7 and Chapter 27 of the California Fire Code, or as subsequently amended).

- F. **Above-Ground Storage.** Aboveground storage tanks for hazardous materials and flammable and combustible liquids may be allowed subject to the approval of the Fire Department.
- G. **New Development.** Structures adjacent to a commercial supply bulk transfer delivery system with at least six (6) inch pipes shall be designed to accommodate a setback of at least 100 feet from that delivery system. This setback may be reduced if the Director, with recommendation from the Fire Department, can make one (1) or more of the following findings:
1. The structure would be protected from the radiant heat of an explosion by berming or other physical barriers;
  2. A 100-foot setback would be impractical or unnecessary because of existing topography, streets, parcel lines, or easements; or
  3. A secondary containment system for petroleum pipelines and transition points shall be constructed. The design of the system shall be subject to the approval of the Fire Department.
- H. **Notification Required.** A subdivider of a development within 500 feet of a pipeline shall notify a new/potential owner before the time of purchase and the close of escrow of the location, size, and type of pipeline. (Ord. 015-09 C.S., eff. 12-3-09; Ord. 023-07 C.S. § 18; prior code § 16-310.080)

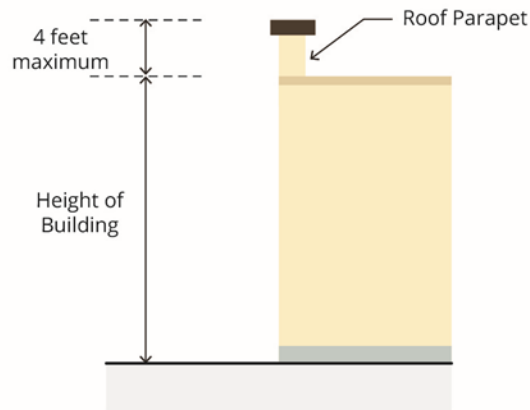
#### **16.36.090                    Height measurement and height limit exceptions.**

- A. **Maximum Height.** The height of structures shall not exceed the standard established by the applicable zoning district in Chapter 16.24 (Zoning District Development Standards), or other provision of this Code, except as provided in Section 16.36.090.C (Exceptions to Height Limits), or as specifically identified in another section of this Code.
- B. **Height Measurement.** Maximum height shall be measured as the vertical distance from the finish grade to an imaginary plane located the allowed distance above, and parallel to, the finish grade, or as provided by the California Building Standards Code.



**FIGURE 3-3 HEIGHT MEASUREMENT**

- C. **Exceptions to Height Limits.** The structures listed below may exceed the maximum permitted height for the district in which they are located, subject to the limitations stated and further provided that no portion of a structure in excess of the height limit may contain habitable areas or advertising.
1. **Roof-Mounted Structures.** Roof-mounted structures for the housing of elevators, stairways, tanks, ventilating fans, wind power equipment, chimneys, flag poles, towers, skylights, smokestacks, wireless masts, or similar equipment required to operate and maintain the structure, shall be allowed, up to a maximum of 15 feet above the structure height. The structures shall be screened in compliance with Section 16.36.100 (Screening and buffering). The total square footage of all structures above the heights allowed in the zoning districts shall not occupy more than 25 percent of the total roof area of the structure.
  2. **Communications Facilities.** Communication facilities, including antennae (television, radio, cellular, etc.), poles, towers, and necessary mechanical appurtenances, are subject to the provisions of Chapter 16.44 (Communications Facilities).
  3. **Parapet Walls.** Fire or parapet walls in nonresidential zoning districts may extend up to four (4) feet above the allowable height limit of the structure.



**FIGURE 3-4 PARAPET WALL HEIGHT**

#### **16.36.095                    Lighting and Illumination**

- A. **Applicability.** The standards of this Section apply to all new development and to exterior alterations and additions that involve replacement light fixtures or systems, except as provided below.
1. **Exemptions.** The following lighting is exempt from the provisions of this Section.
    - a. *Street Lighting.*
    - b. *Athletic Field Lights.* Athletic field lights used within a City parks and private schools and universities.
    - c. *Safety and Security Lighting.* Safety and security lighting for public facilities.
    - d. *Construction and Emergency Lighting.* All construction or emergency lighting fixtures, provided they are temporary and are discontinued immediately upon completion of the construction work or abatement of the emergency.
    - e. *Seasonal Lighting.* Seasonal lighting displays related to cultural or religious celebrations.
- B. **Application Requirements.** Any planning application that includes new or replacement light fixtures or systems shall include a photometric plan showing foot-candle levels for proposed lighting intensity at property line(s), except as provided below.

1. Applications for outdoor lighting associated with residential development of less than four units and property-owner installed lighting are not required to submit photometric plans unless requested by the Director due to project location, size, use, and proposed lighting.
- C. **Prohibitions.** The following types of exterior lighting are prohibited unless specifically allowed subject to another part of this Code.
1. **Searchlights.** The operation of searchlights for purposes other than public safety.
  2. **Mercury Vapor.** Mercury vapor lights.
  3. **Other Light Types.** Laser lights or any other lighting that flashes, blinks, alternates, or moves.
- D. **Required Illumination.**
1. **Multi-Unit Residential Buildings.** Aisles, passageways, and recesses related to and within the building complex shall be illuminated with an intensity of at least one-quarter foot-candle at the ground level during the hours of darkness.
  2. **Non-Residential Buildings.** All exterior doors, during the hours of darkness, shall be illuminated with a minimum of one-half foot-candle of light.
- E. **Maximum Light Levels.** The light level at property lines shall not exceed one foot-candle.
- F. **General Requirements.**
1. **Maximum Height.** Light standards shall not exceed 20 feet in height except where: the Director allows additional height for activities, uses, or development with unique lighting needs; for accentuating historic architectural features of a building, signage, and/or landscaping features; or, for security purposes, provided the lighting otherwise complies with all other requirements of this Code.
  2. **Fixture Types.** All luminaries shall meet the most recently adopted criteria of the Illuminating Engineering Society of North America (IESNA) for "Cut Off" or "Full Cut Off" luminaries.

3. ***Design of Fixtures.*** Fixtures shall be appropriate to the style and scale of the architecture. Fixtures on buildings shall be attached only to walls or eaves, and the top of the fixture shall not exceed the height of the parapet or roof or eave of roof.
4. ***Timing Controls.*** All outdoor lighting in nonresidential development shall be on a time clock or photo-sensor system and turned off during daylight hours and during hours when the building is not in use and the lighting is not required for security.
5. ***Light Trespass and Glare Prevention.*** All lights shall be directed, oriented, and shielded to prevent light trespass or glare onto adjacent properties.

#### **16.36.100 Screening and buffering.**

This section provides standards for the screening and buffering of adjoining land uses, equipment, and outdoor storage areas, and surface parking areas. Multi-unit and nonresidential land uses shall comply with the requirements of this section.

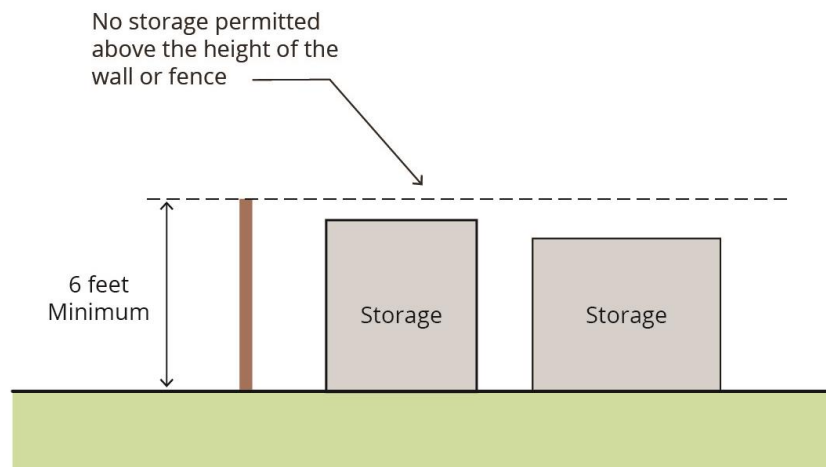
- A. ***Screening of Mechanical and Electrical Equipment.*** All exterior mechanical and electrical equipment shall be screened or incorporated into the design of buildings so as not to be visible from public rights-of-way or adjacent Residential or Open Space Districts. Equipment to be screened includes, but is not limited to, all roof-mounted equipment, air conditioners, heaters, utility meters, cable equipment, telephone entry boxes, backflow preventers, irrigation control valves, electrical transformers, pull boxes, and all ducting for air conditioning, heating, and blower systems. Screening materials shall be consistent with the exterior colors and materials of the building. Exceptions may be granted by the Director where screening is infeasible due to health and safety or utility requirements.
- B. ***Common Property Lines.*** A solid masonry screening wall eight feet in height shall be provided on the interior lot lines of any lot with an industrial use that abuts a residential zone or use.
  1. ***Timing.*** The screening wall shall be provided at the time of new construction or expansion of buildings, or changes of use to an industrial use.
  2. ***Location.*** Screening walls shall follow the lot line of the lot to be screened, or shall be so arranged within the boundaries of the lot so as to substantially

hide from adjoining lots the building, facility, or activity required to be screened.

3. **Exception.** Screening shall not be required along a lot line where a building wall, solid fence or free-standing wall of the required height exists immediately abutting and on the other side of the lot line.

C. **Outdoor Storage Areas.** Outdoor storage areas shall be screened from view from any adjacent public street or freeway, existing or planned residential area, or publicly accessible open space or park and recreation area.

1. **Height.** Screening walls and fences shall be at least seven feet tall and no materials or equipment shall be stored to a height greater than that of the wall or fence. Fences and walls shall not exceed the maximum allowable fence heights unless required by the City for noise abatement or as otherwise allowed through an Administrative Exception or Waiver approval pursuant to Chapter 16.112 (Administrative Exceptions) or Chapter 16.176 (Waivers).
2. Site operations in conjunction with outdoor storage, including the loading and unloading of materials and equipment, shall be conducted entirely within a walled area.
3. Incidental outdoor storage shall be permitted, subject to the above standards. Outdoor storage that is a primary land use shall be subject to the applicable zoning district land use regulations identified in Division 2 (Zoning Districts, Allowable Land Uses, and Zone Specific Standards), and the above standards.





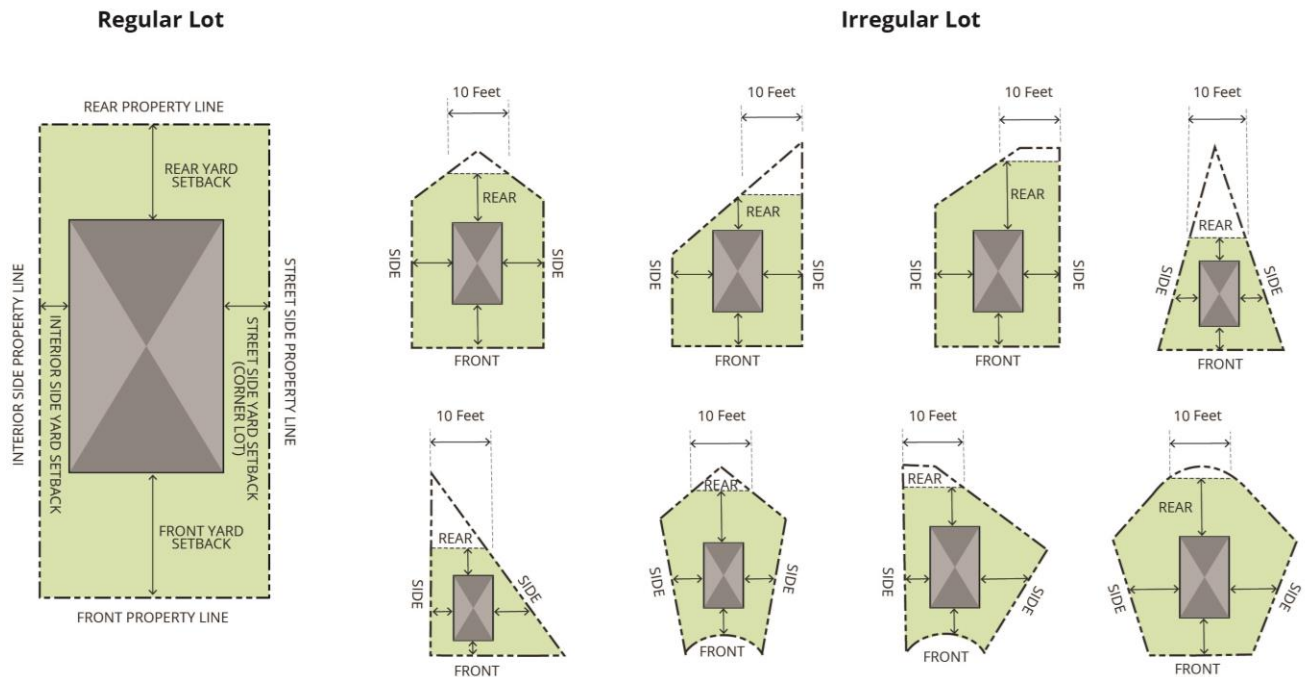
### FIGURE 3-5 OUTDOOR STORAGE AREA SCREENING

- D. **Other Outdoor Use Areas.** Where the Director finds that an outdoor use without screening would have a detrimental effect, the outdoor use shall be screened from view from any public street or freeway; existing or planned residential area; or publicly accessible open space or park and recreation area.
- E. **Materials.** Unless otherwise specified, screening walls shall be constructed of stucco, decorative block, concrete panel, wood not less than one inch thick, or other substantially equivalent material.
  - 1. **Supports.** Supports shall be of four-by-four wood posts, pipe, or masonry piers located on a maximum six-foot center and cemented in place.
  - 2. **Berms.** An earth berm may be used instead of or in combination with the above types of screening walls.
  - 3. **Vegetation.** Required screening may be provided through an evergreen hedge or mix of evergreen shrubs and trees of a type, density, and spacing so that sight and illumination will be obscured through the screening within three years of planting and the vegetation is maintained at a minimum height of six feet.
- F. **Graffiti Prevention.** Fences and walls shall be designed and built so as to control graffiti in compliance with Section 16.32.060 (Graffiti Prevention and Ease of Removal Provisions).
- G. **Maintenance.** Screening walls shall be maintained in good repair, including painting, if required, and shall be kept free of litter or advertising. Where hedges are used as screening, trimming or pruning shall be employed as necessary to maintain the maximum allowed height.

#### 16.36.110 Setback regulations and exceptions.

- A. **Measurement of Setbacks.** Setbacks shall be measured at right angles from the nearest point of the corresponding front, side, or rear lot line, except as follows:
  - 1. **Access Easements and Right-of-Ways.** If an access easement or street right-of-way line extends into or through any yard, the measurement shall be taken from the nearest point of the access easement or right-of-way line
  - 2. **Irregular Lot.** In the case of an irregularly shaped lot, where the rear property line is narrower than the front, a ten-foot-long line, drawn within the lot,

parallel to and most distant from the front lot line, shall be considered the rear lot line for the purpose of measuring the required rear setback.



**FIGURE 3-6 MEASURING SETBACKS**

- B. **Required Setbacks.** In addition to any setback required pursuant to Division 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards), or other provision of this Code, the following setback requirements apply.
1. **Levee Setbacks.** Setback from the landside toe of any flood control levee shall comply with California Code of Regulations, Title 23, and shall be a minimum of 15 feet. For development greater than five parcels or five acres in size and adjacent to a flood control levee designated by the Director to provide 200-year level flood protection, an additional setback equal to four times the height of the levee or a maximum of 50 feet shall apply. No primary or accessory structures may encroach into the levee setback.
  2. **Lots Abutting an Alley.** If a lot abuts a public alley, no primary or accessory structure shall project or extend nearer than five feet from the property line abutting the alley, except:

- a. Garages/car ports whose entrance is from the alley shall be a minimum of ten feet from the property line abutting the alley.
- 3. Railroad Setbacks.
  - a. Residential. Habitable residential buildings adjacent to a railroad track shall be located a minimum of 85 feet from the outer rail of the track.
  - b. Commercial and Industrial. Commercial and industrial buildings adjacent to a railroad track shall be located a minimum of 25 feet from the out rail of the track, except for loading docks utilizing tracks to move goods
- c. Encroachments into Required Setbacks. Where setbacks and open yard areas are required in this Code, they shall be not less in depth or width than the minimum dimension specified, shall be at every point open, and shall not be obstructed with non-movable features from the ground upward, except as provided in Table 3-1 (Allowed Encroachments into Required Setbacks) or as specifically identified in another section of this Code.

**TABLE 3-1: ALLOWED ENCROACHMENTS INTO REQUIRED SETBACKS**

<i>Encroachment</i>	<i>Front Setback</i>	<i>Street Side Setback</i>	<i>Interior Side Setback</i>	<i>Rear Setback</i>	<i>Limitations</i>
All encroachments	No encroachment may extend closer than three feet to an interior lot line or into a public utility easement. Where any allowance of this Code conflicts with applicable building codes, the more restrictive shall apply.				
Architectural features, including decorative balconies and bay windows, belt courses, greenhouse windows, awnings, canopies, cornices, buttresses, ornamental features, eaves, and chimneys	4 ft	4 ft	2 ft	4 ft	Shall not increase the usable area enclosed by the structure
Covered and unenclosed porches located at the same level as the entrance floor of the structure, Covered and unenclosed patios,	4 ft	4 ft	May not encroach	4 ft	

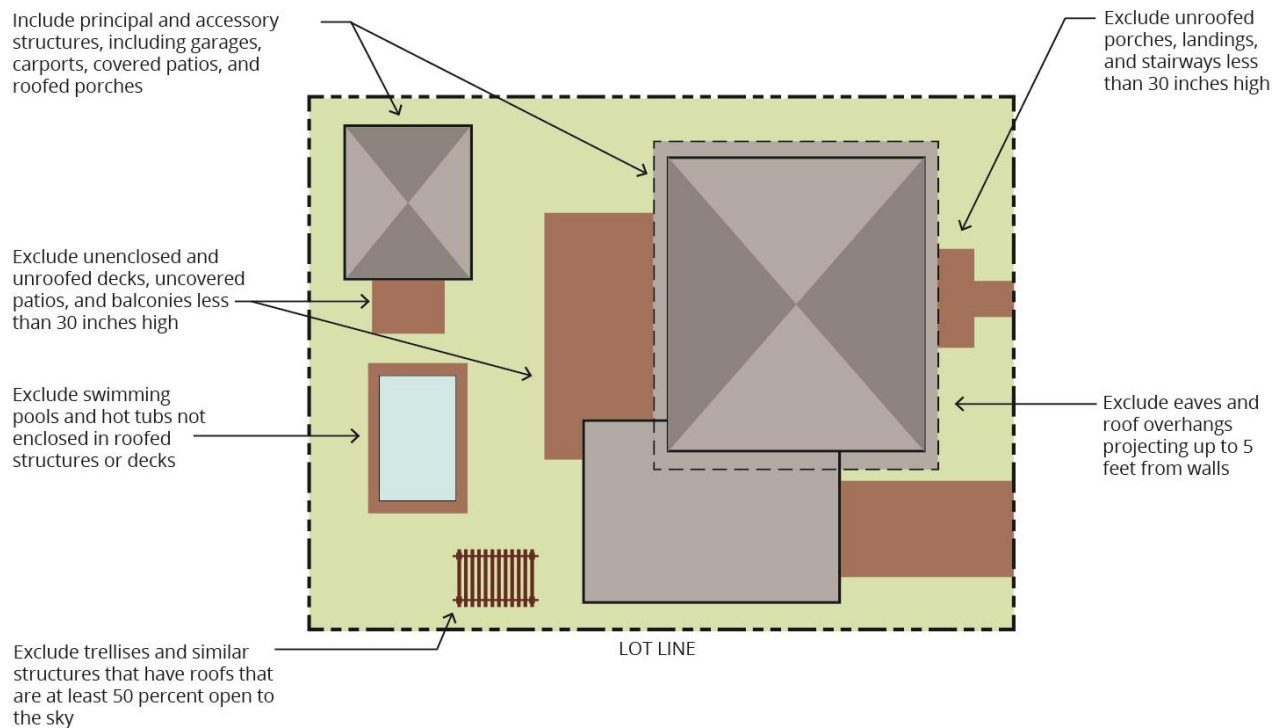
**TABLE 3-1: ALLOWED ENCROACHMENTS INTO REQUIRED SETBACKS**

<i>Encroachment</i>	<i>Front Setback</i>	<i>Street Side Setback</i>	<i>Interior Side Setback</i>	<i>Rear Setback</i>	<i>Limitations</i>
Outside stairways and balconies, landings, and fire escapes that are not enclosed					
Flagpoles	May encroach up to 5 feet from the property line	May encroach up to 5 feet from the property line	May encroach up to 3 feet from property line	May encroach up to 3 feet from property line	Limited to one flagpole, maximum 15 feet in height
Lampposts	May encroach up to 3 feet from property line	May encroach up to 3 feet from property line	May not encroach	May not encroach	Maximum 6 feet in height
Accessory Structures	May not encroach	May not encroach	May encroach up to 3 feet from the property line	May encroach up to 3 feet from property line	
Mechanical Equipment, including air conditioners, water heaters, emergency generators, and stormwater retention equipment	May not encroach	May not encroach	May encroach up to 3 feet from property line	May encroach up to 3 feet from property line	
Ramps and similar structures that provide access for persons with disabilities	Reasonable accommodation will be made, consistent with the Americans with Disabilities Act, See Chapter 16.214, Requests for Reasonable Accommodation				

### 16.36.120 Site coverage measurements and exceptions.

- A. **Calculation.** Site coverage is the ratio of the total footprint area of all structures on a lot to the net lot area, expressed as a percentage. The footprints of all principal and accessory structures, including garages, carports, covered patios, and roofed porches, shall be summed to calculate site coverage.
- B. **Exceptions.** The following structures and elements shall be excluded from the calculation of site coverage.
1. Unenclosed and unroofed decks, uncovered patio slab, porches, landings, balconies and stairways less than 30 inches in height;
  2. Eaves and roof overhangs projecting up to two feet from a wall;

3. Trellises and similar structures that have roofs that are at least 50 percent open to the sky through uniformly distributed openings; and
4. Swimming pools and hot tubs that are not enclosed in roofed structures or decks and that are less than 30 inches above grade.



**FIGURE 3-7 CALCULATING SITE COVERAGE**

### **16.36.130 Solid waste/recyclable materials storage.**

This section provides standards for the provision of solid waste (refuse) and recyclable material storage areas in compliance with State law (California Solid Waste Reuse and Recycling Access Act, Public Resources Code Sections 42900 through 42911) and Chapter 8.04 of the Municipal Code (Collection of Solid Waste, Recyclable Materials and Green Waste and Food Waste). Projects that are not subject to a building permit and are only providing solid waste/recyclable materials storage areas (trash enclosures) shall not be subject to the following standards, but are subject to review by Public Works.

#### **A. Residential Projects.**

1. Single-Unit, Duplexes, and Triplexes. Single-unit, duplexes, and triplexes shall be provided a refuse and recyclable materials storage area that is at

least eight and one-half (8.5) feet wide by six and one-half (6.5) feet deep and not visible from the public right-of-way.

2. Multi-unit Projects. Multi-unit residential projects with four (4) or more dwelling units, shall provide refuse and recyclable material storage areas in the following manner:
  - a. Individual Unit Storage Requirements. A minimum of three (3) cubic feet shall be provided for the storage of refuse and a minimum of three (3) cubic feet shall be provided for the storage of recyclable material; and
  - b. Common Storage Requirements. The following are minimum requirements for common refuse and recyclable material storage areas for multi-unit developments, which may be located indoors or outdoors as long as they are readily accessible to all residents. These requirements apply to each individual structure. Areas are measured in square feet.

<b>TABLE 3-2 MULTI-UNIT DEVELOPMENT MINIMUM COMMON TRASH STORAGE AREAS REQUIRED (SQ. FT.)</b>			
<i>Number of Units</i>	<i>Refuse</i>	<i>Recycling</i>	<i>Total Area</i>
4-6	12	12	24
7-15	24	24	48
16-25	48	48	96
26-50	96	96	192
51-75	144	144	288
76-100	192	192	384
101-125	240	240	480
126-150	288	288	576
151-175	316	316	672
176-200	384	384	768
201+	Every additional 25 dwellings shall require an additional 100 sq. ft. for solid waste and 100 sq. ft. for recyclables.		

- B. Nonresidential Structures and Uses. Nonresidential structures and uses within all zoning districts shall provide refuse and recyclable material storage areas. The

following are minimum storage area requirements. These requirements apply to each individual structure. Areas are measured in square feet.

<b>TABLE 3-3 NONRESIDENTIAL STRUCTURES MINIMUM STORAGE AREAS REQUIRED (SQ. FT)</b>			
<i>Structure Floor Area (sq. ft.)</i>	<i>Refuse</i>	<i>Recycling</i>	<i>Total Area</i>
0-5,000	12	12	24
5,001-10,000	24	24	48
10,001-25,000	48	48	96
25,001-50,000	96	96	192
50,001-75,000	144	144	288
75,001-100,000	192	192	384
100,001+	Every additional 25,000 sq. ft. shall require an additional 48 sq. ft. for solid waste and 48 sq. ft. for recyclables.		

- C. **Location Requirements.** Refuse and recyclable materials storage areas shall be located in the following manner:
1. Refuse and recyclable material storage shall be adjacent/combined with one another.
    - a. They may only be located:
      - i. Inside a specially-designated structure;
      - ii. On the outside of a structure in an approved fence/wall enclosure; or
      - iii. A designated interior court or yard area with appropriate access or in rear yards and interior side yards.
    - b. Exterior storage area(s) shall not be located in a required:
      - i. Front yard;
      - ii. Street side yard;
      - iii. Parking space; or
      - iv. Landscaped or open space area.

2. Storage area(s) shall be accessible to residents and employees at all times. Storage areas within multi-unit residential developments shall be located within 250 feet of an access doorway to the dwellings, which they are intended to serve;
  3. Driveways or aisles shall provide unobstructed access for collection vehicles and personnel and provide at least the minimum clearance required by the collection methods and vehicles utilized by the designated collector;
  4. Storage bins shall be screened in compliance with Section 16.36.100 (Screening and buffering); and
  5. Storage areas shall not be closer than 20 feet from doors or operable windows of adjacent structures.
- D. Design and Construction. The design and construction of the storage area(s) shall:
1. Be compatible with the surrounding structures and land uses;
  2. Be properly secured to prevent access by unauthorized persons, while allowing authorized persons access for disposal of materials;
  3. Provide a concrete pad within the fenced or walled area(s) and a concrete apron, which facilitates the handling of the individual bins or containers;
  4. Be handicapped accessible in compliance with the Americans with Disabilities Act (ADA);
  5. Protect the areas and the individual bins or containers provided within from adverse environmental conditions that might render the collected materials unmarketable; and
  6. Be appropriately located and screened from view on at least three (3) sides. Screening shall consist of solid masonry walls, metal gates, and landscaping. Overhead trellises may be required to screen views from above. The design shall be architecturally compatible with the surrounding structures and subject to the approval of the Director. (Ord. 001-08 C.S. §§ 3, 4; Ord. 023-07 C.S. §§ 25, 26; prior code § 16-310.130)



### 16.36.135 Swimming Pools and Spas

Swimming pools, including spas and any body of water having a depth or more than 18 inches, that are not completely enclosed within a building shall comply with the following standards in addition to all other applicable requirements of this Code.

- A. **Required Setbacks.** All setbacks are measured from the back of bond beam of the pool.
1. **Front Yards.** Swimming pools, spas, and pool equipment shall not be located within a required front yard.
  2. **Side and Rear Yards.** Swimming pools, spas, and pool equipment may be located within the required side or rear yard provided they meet the following standards.
    - a. *In Ground Swimming Pools and Spas.* In ground pools and spas shall be located a minimum of three feet from any property line.
    - b. *Above Ground Swimming Pools and Spas.*
      - i. Less than 30 Inches. Pools and spas placed directly upon finished grade and less than 30 inches in height above finished grade are exempt from rear and side setback requirements.
      - ii. 30 Inches and Over. Pools and spas placed directly upon finished grade and 30 inches or more in height above the surrounding finished grade at any point shall be located a minimum of three feet from any property line.
    - c. *Equipment.* Pool and spa equipment, including pumps, shall be located a minimum of three feet from any property line unless the equipment is:
      - i. Muffled by a sound barrier; or
      - ii. Less than six feet in height and located adjacent to a solid fence or wall at the rear property line.
- B. **Required Fencing.** Swimming pools and spas shall be fenced with a self-closing, self-latching gate on the pool side and be in compliance with the latest edition of the Building Code.

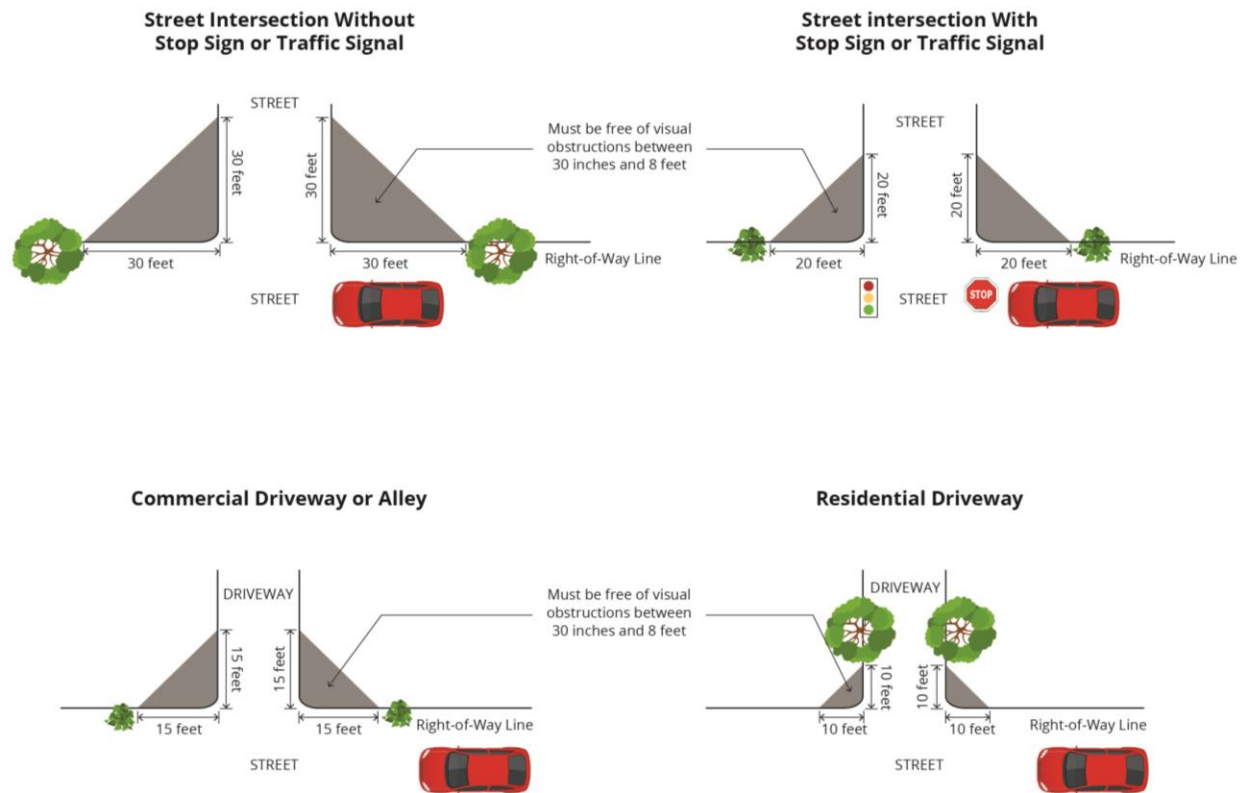
**16.36.140 Traffic sight area.**

A. The triangular traffic sight area created by the minimum dimensions in Table 3-4 (Traffic Sight Area Dimensions), measured along the edge of each right-of-way, alley, or driveway, shall be kept free of visual obstructions from the height of 30 inches to eight feet above the nearest street curb elevation.

1. Exceptions. The requirements for traffic sight areas shall not apply to:
  - a. CD Zoning District, the Miracle Mile, and other areas determined by the Director and the City Engineer;
  - b. Public utility poles;
  - c. Trees trimmed (to the trunk) to a line at least six (6) feet above the level of the intersection;
  - d. Saplings or plant species of open growth habits and not planted in the form of a hedge, which are so planted and trimmed as to leave a clear and unobstructed cross view year around;
  - e. Supporting members of appurtenances to permanent structures existing on the effective date of the ordinance codified in this Development Code; and
  - f. Official warning signs or signals.

B.

<b>TABLE 3-4 TRAFFIC SIGHT AREA DIMENSIONS</b>	
<i>Location</i>	<i>Minimum Dimension</i>
Street intersection without stop sign or traffic signal	30 ft
Street intersection with stop sign or traffic signal	20 ft
Commercial driveway or alley	15 ft
Residential driveway	10 ft



**FIGURE 3-8 TRAFFIC SIGHT AREA**

- C. Exemptions. Exemptions from the identified standards for traffic sight areas may be granted when reviewed and approved, based on totality of circumstances, by both the Director and the City Engineer. (Prior code § 16-310.140)

### 16.36.150 Utility equipment.

This section provides standards for utility equipment installations (e.g. boxes, cabinets, pedestals, transformers, vaults, etc.). Utility equipment should be installed underground; if the undergrounding of equipment is not technically or economically feasible, as determined by the Director based on evidence provided by the utility company, above ground installations shall be permitted with the appropriate placement, landscaping, and/or screening to obscure the equipment. Installation shall be in compliance with PUC requirements.

- A. The affected property owner(s) and utility companies shall agree on the placement and type of landscaping and/or screening to be used as approved by the Director.

- B. Installation of landscaping and/or screening shall be the responsibility of:
  - 1. The developer/builder for new development; or
  - 2. The utility company in conjunction with the property owner for existing development.
- C. The property owner shall be responsible for the maintenance of the landscaping and/or screening. If the landscaping and/or screening is located in a landscape maintenance district, the landscape maintenance district shall be responsible for the maintenance of the landscaping and/or screening.

#### **16.36.160 Wind power equipment.**

Wind power equipment shall have a mesh screen, except as approved by the Director, located in front and in back of the equipment to maximize avian safety.

#### **16.36.170 Residential Open Space**

Residential open space required by this Code shall be provided in accordance with the following.

- A. **Configuration.**
  - 1. Private residential open space typically consists of balconies, decks, patios, fenced yards, and other similar areas outside the residential unit.
  - 2. Common residential open space typically consists of landscaped areas, patios, swimming pools, barbeque areas, playgrounds, turf, or other such improvements as are appropriate to enhance the outdoor environment of the development; these can be located at the ground level, on parking podiums, or on rooftops, provided they are adequately landscaped.
- B. **Minimum Dimensions.**
  - 1. ***Private Residential Open Space.*** Private residential open space located on the ground level (e.g., yards, decks, patios) shall be a minimum of 100 square feet and have no dimension less than eight feet. Private residential open space located above ground level (e.g., balconies) shall be a minimum of 60 square feet and have no dimension less than six feet.
  - 2. ***Common Residential Open Space.*** Minimum length and width dimension of 15 feet.

- C. **Surfacing.** A surface shall be provided that allows convenient use for outdoor living and/or recreation. Such surface may be any practicable combination of lawn, garden, flagstone, wood planking, concrete, or other serviceable, dust-free surfacing.
- D. **Maximum Slope.** Slope shall not exceed ten percent.
- E. **Maximum Coverage.** No more than 50 percent of common residential open space area may be covered.
- F. **Accessibility.**
  - 1. ***Private Residential Open Space.*** Private residential open space shall be accessible to only one residential unit through a doorway to a habitable room or hallway.
  - 2. ***Common Residential Open Space.*** Common residential open space shall be accessible to all residential units on the site.
- G. **Screening, Ground Level Private Open Space.** Required private residential open space located at the ground level shall be screened by a solid fence, wall, or dense hedge a minimum six feet in height except within required front and street side setback areas where the screening fence, wall, or dense hedge shall be between 36 and 42 inches in height.

## **SECTION IX: AMENDMENT OF CODE**

Title 16, Division 3, Chapter 16.38 of the Stockton Municipal Code (SMC) is amended to read, as follows:

### **Chapter 16.38 Building Design Standards**

#### **16.38.010 Purpose**

The purpose of this Chapter is to establish standards for building placement, form, and design. These requirements constitute “objective standards” under current state housing law where applicable, including but not limited to Government Code sections 65913.4, 655589.5 and 756852.21, to provide clear development standards that allow for streamlined review processes. Further, the purposes of this Chapter are to implement the Stockton General Plan, including:

- A. Improve the visual quality of the urban environment.
- B. Provide flexibility for residential development to be feasible.
- C. Ensure that exterior remodels and the siting, scale, and design of new development are compatible with surrounding and adjacent buildings, public spaces, and cultural and historic resources.

Standards are provided for four types of buildings: (1) detached single-unit dwellings; (2) multi-unit dwellings (including, but not limited to, duplexes, triplexes, fourplexes, townhouses, and apartment buildings); and (3) mixed use buildings. Each of these building types is the subject of one Section of the Chapter.

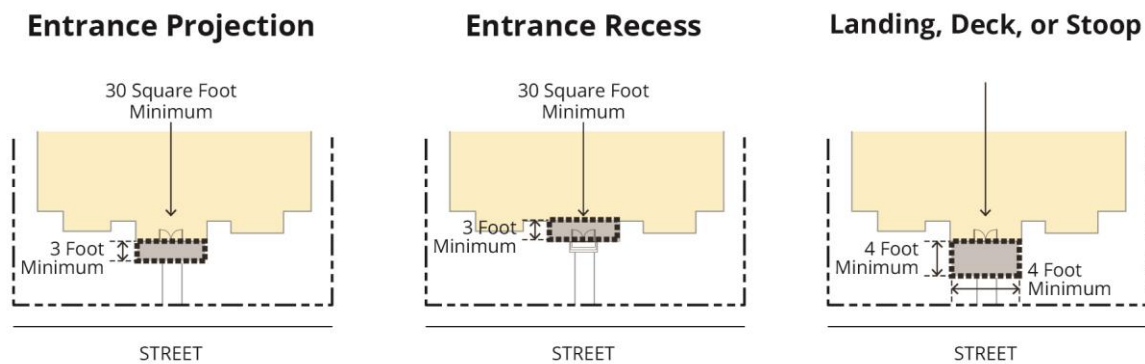
#### **16.38.020                      Applicability**

The standards of this Chapter apply in addition to all other provisions, including other design standards, of this Code.

#### **16.38.030                      Detached Single-Unit Dwellings**

- A. **Applicability.** All dwelling units that are detached from any other unit except an Accessory Dwelling Unit, shall meet the design standards of this Section. Accessory Dwelling Units are subject to the standards of Section 16.80.310 (Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs)).
- B. **Building Entrances.** All dwelling units shall provide at least one principal entrance that meets the following requirements.
  - 1. All units located along a street or pedestrian walkway shall have a principal entrance facing and visible to the street or pedestrian walkway, except as follows:
    - a. Where lots have frontage on two or more streets, units shall have a principal entry on at least one street.
    - b. Where lots front only onto an arterial or collector street, the principal entrance may be oriented toward an interior drive or walkway rather than the street.
  - 2. The principal entrance shall be emphasized using at least one of the following methods:

- a. A projection such as a canopy or overhang with a minimum depth of three feet and a minimum horizontal area of 30 square feet.
- b. A recess with a minimum depth of three feet and a minimum width of six feet.
- c. A landing, deck, or stoop with a minimum four-foot by four-foot area.



**FIGURE 3-9A DETACHED SINGLE-UNIT, PRINCIPAL ENTRANCE DESIGN**

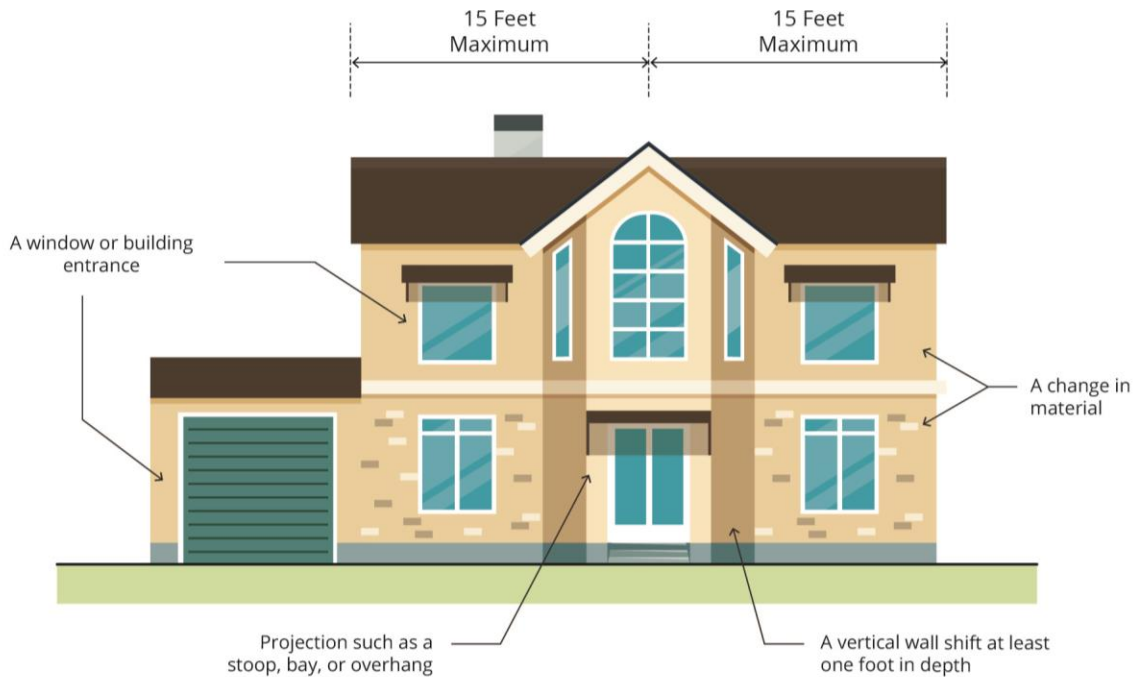
3. **Waivers.** Should the applicant elect not to meet the above objective building entrance standards, the applicant may request a Waiver pursuant to Chapter 16.176 (Waivers). A Waiver of the building entrance requirements may be approved upon finding that the project includes alternative designs that create a welcoming feeling toward the street, such as incorporating features such as a trellis, landscaped courtyard entry, enhanced walkway, columns or other architectural features.
- C. **Window and Garage Door Trim.** Trim shall be provided around all windows and garage doors. Should the applicant elect not to meet the objective window and garage trim requirement, the applicant may request a Waiver pursuant to Chapter 16.176 (Waivers). A Waiver of the window and garage trim requirement may be approved upon finding that providing window or garage trim would be inconsistent with the architectural style of the structure and alternative methods have been incorporated to create shadow and depth along the facade.



**FIGURE 3-9B DETACHED SINGLE-UNIT, WINDOW AND GARAGE DOOR TRIM**

- D. **Façade Articulation.** No façade shall run in a continuous plane of more than 15 feet without incorporating one or more of the following:
1. A vertical wall shift at least one foot in depth.
  2. A change in material.
  3. A window or building entrance.
  4. A projection such as a stoop, bay, or overhang.
  5. **Waivers.** Should the applicant elect not to meet the objective façade articulation standards, the applicant may request a Waiver pursuant to Chapter 16.176 (Waivers). A Waiver of the façade articulation requirements may be approved upon finding that adequate design features have been incorporated to create visual variety and avoid a bulky or monolithic appearance.





**FIGURE 3-9C DETACHED SINGLE-UNIT, FAÇADE ARTICULATION**

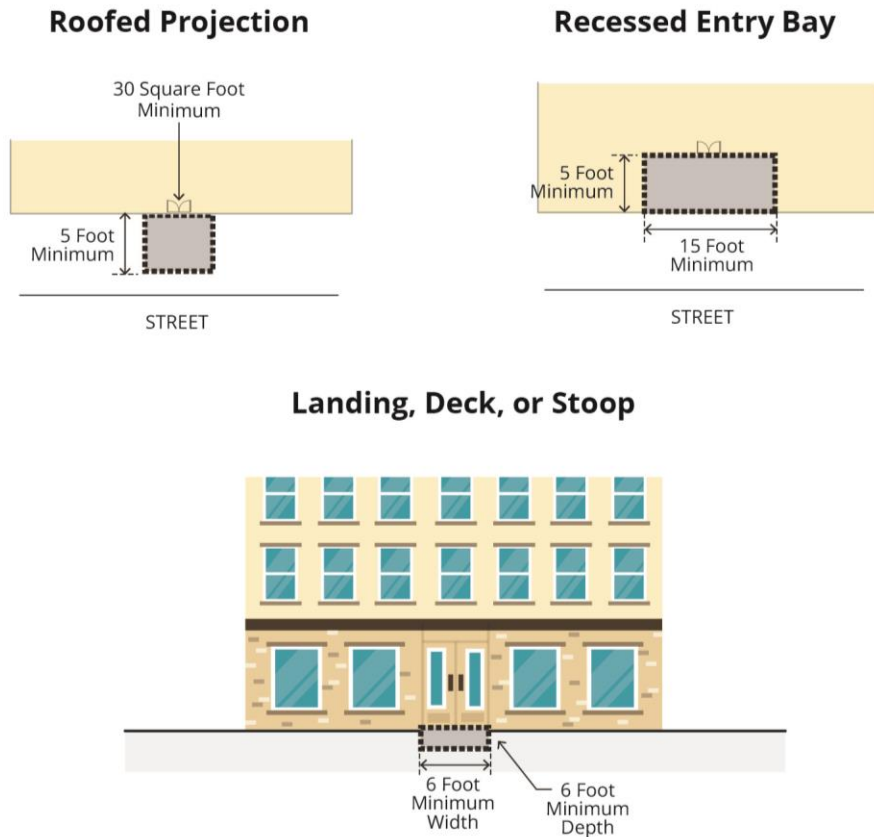
#### **16.38.040 Multi-Unit Dwellings**

- A. **Applicability.** Development with two or more dwelling units in a single building (including, but not limited to, duplexes, triplexes, fourplexes, townhouses, and apartment buildings) shall meet the design standards of this Section.
- B. **Building Orientation.** Buildings located along a street or pedestrian walkway shall be oriented toward the adjacent street or pedestrian walkway with the building frontage parallel to the fronting street or pedestrian walkway, except as follows:
  1. Where lots have frontage on two or more streets, buildings shall be oriented to at least one street.
  2. Where lots front only onto an arterial or collector street, buildings may be oriented toward an interior drive or walkway.
  3. **Waivers.** Should the applicant elect not to meet the above objective building orientation standards, the applicant may request a Waiver pursuant to Chapter 16.176 (Waivers). A Waiver of the building orientation requirements may be approved upon finding that orienting the buildings to the street or pedestrian walkway is incompatible design, context, and/or use

and street-facing building walls exhibit architectural relief and detail, and are enhanced with landscaping to create visual interest at the pedestrian level.

C. **Entrances.** Entrances to dwelling units shall be designed as individual or shared entrances at the ground floor of the building.

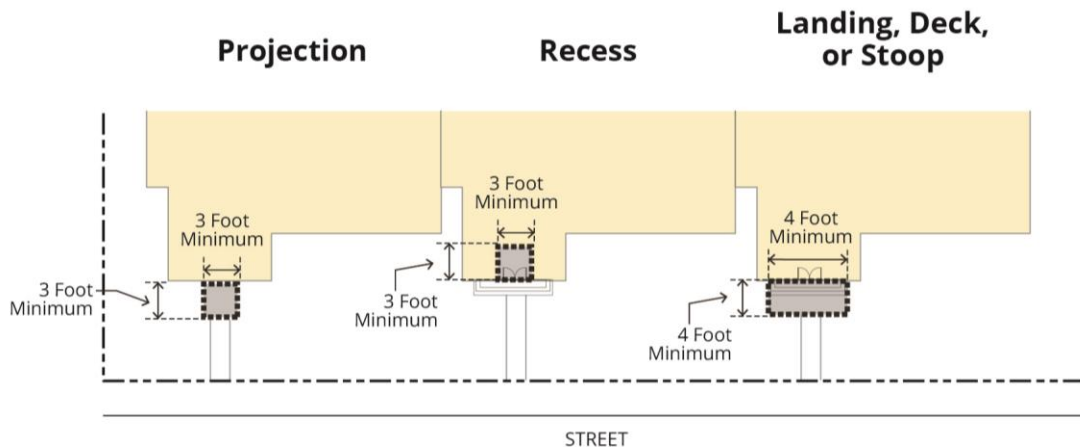
1. ***Shared Entrances.*** All buildings with any exterior entrance that provides access to more than one unit shall provide a minimum of one principal shared entranceway per building in accordance with the following standards.
  - a. Buildings located along a street shall provide a principal entrance facing and visible to the street, and connected directly to a public sidewalk via a private pedestrian walkway, except as follows:
    - i. Where lots have frontage on two or more streets, buildings must have a principal entry on at least one street.
    - ii. Where lots front only onto an arterial or collector street, the principal entrance may be oriented toward the interior of the lot.
  - b. Principal entrances located in the interior of a site shall be accessed from a pedestrian walkway that is a minimum of four feet wide and connects to a public walkway.
  - c. The principal entrance shall lead to a common area a minimum of 10-feet in each dimension.
  - d. The principal entrance shall be emphasized utilizing at least one of the following methods:
    - i. A roofed projection over the door (such as an awning, canopy, or overhang) with a minimum depth of five feet and a minimum horizontal area of 30 square feet.
    - ii. A recessed entry bay with a minimum width of 15 feet and a minimum depth of five feet.
    - iii. A landing, deck, or stoop with a minimum six foot by six-foot area.



**FIGURE 3-10A MULTI-UNIT DWELLINGS, SHARED ENTRANCE DESIGN**

2. **Individual Entrances.** All units accessed through ground level individual entrances from the exterior shall provide a minimum of one principal individual entrance per unit that creates both a presence on the street and establishes a clear separation between the public and private realms in accordance with the following standards.
  - a. All individually accessed units located along a street or pedestrian walkway shall have a principal entrance oriented to and facing a street or pedestrian walkway, except as follows:
    - i. Where lots have frontage on two or more streets, units must have a principal entrance on at least one street.
    - ii. Where lots front only onto an arterial or collector street, the principal entrance may be oriented toward the interior of the lot.

- b. All principal entrances located in the interior of a site shall be accessed from a pedestrian walkway that is a minimum of four feet wide and connects to a public sidewalk.
- c. The principal entrance shall be emphasized using at least one of the following methods:
  - i. A projection such as a canopy or overhang with a minimum depth of three feet.
  - ii. A recess with a minimum depth of three feet and a minimum width of three feet.
  - iii. A landing, deck, or stoop with a minimum four-foot by four-foot area.
- d. Any individual entrance located within ten feet of a front or street-side property line shall be raised a minimum of 18 inches above grade.

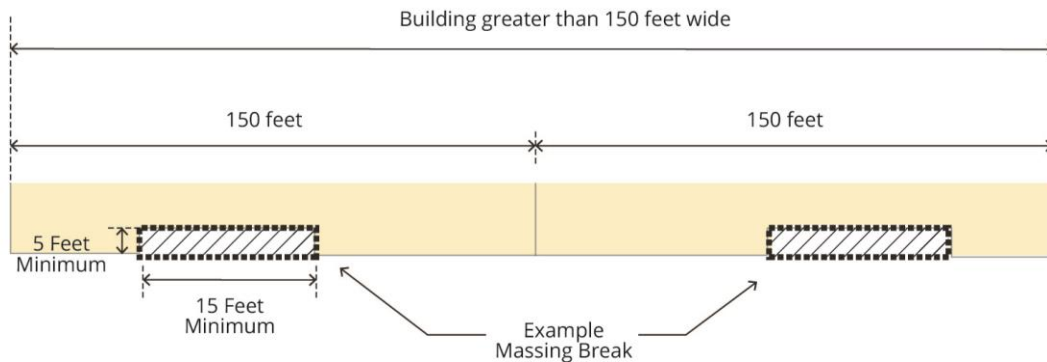


**FIGURE 3-10B MULTI-UNIT DWELLINGS, INDIVIDUAL ENTRANCE DESIGN**

- 3. **Waivers.** Should the applicant elect not to meet the above objective entrance standards, the applicant may request a Waiver pursuant to Chapter 16.176 (Waivers). A Waiver of the entrance requirements may be approved upon finding that, the project includes features that create a welcoming feeling toward the street, such as a trellis, landscaped courtyard entry, enhanced walkway, columns or other architectural features.

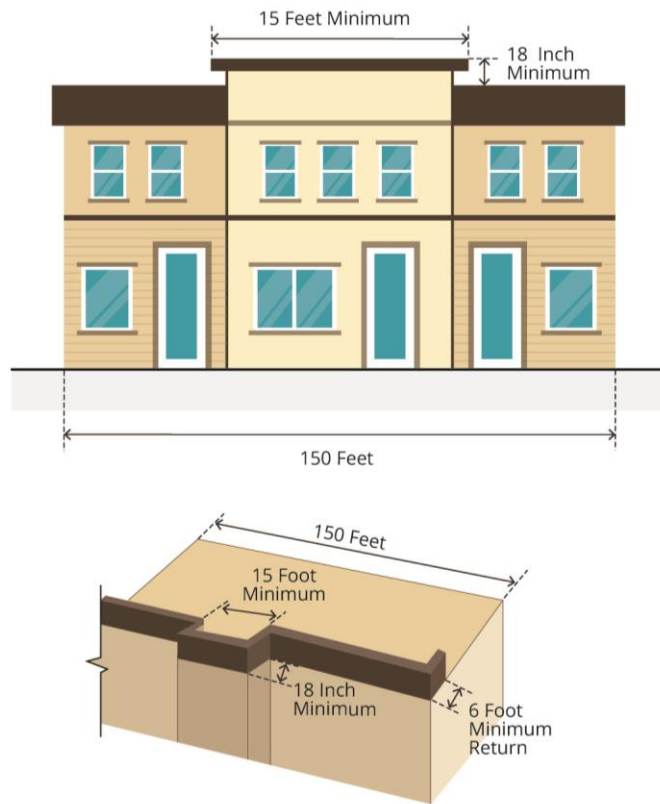
D. **Building Design.** Buildings shall include the following design features to create visual variety and avoid a large-scale and bulky appearance.

1. **Massing Increment.** For building facades 150 feet or longer, a change in façade plane with a recess a minimum of 15 feet wide and ten feet deep shall be provided for every 150 feet of building frontage.



**FIGURE 3-10C MULTI-UNIT DWELLINGS, MASSING INCREMENT**

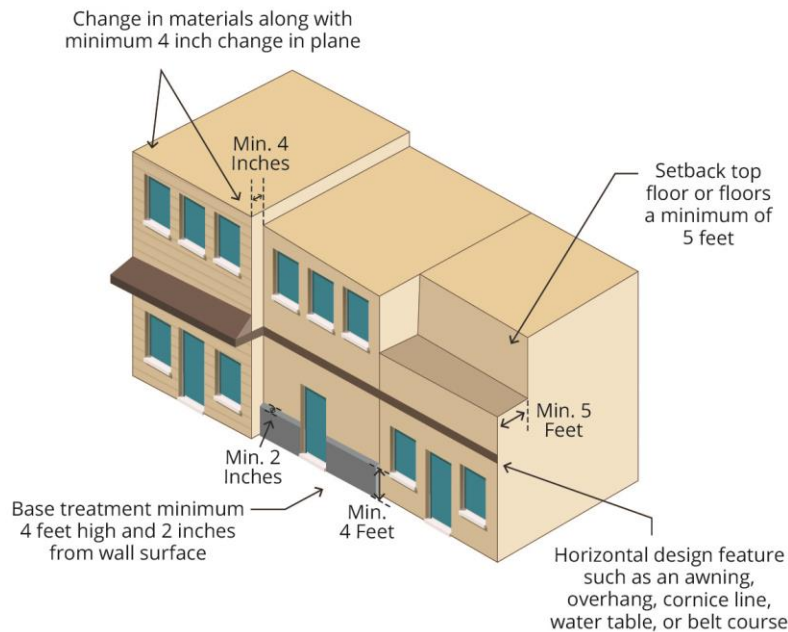
2. **Roof Line.** Roof lines shall be varied and designed to minimize the bulk of a building, screen roof-mounted equipment, and enhance the building's architectural design through the following methods:
  - a. A minimum of one roof line offset of at least 18 inches in height and 15 feet in length shall be provided for every 150 feet of façade length.
  - b. Where parapets are provided, the minimum 18-inch offset in height required above may be substituted by an offset of at least 18 inches in depth. All parapets shall provide returns of at least six feet in depth at the end of the parapet face to avoid a false front appearance.



**FIGURE 3-10D MULTI-UNIT DWELLINGS, ROOF LINE**

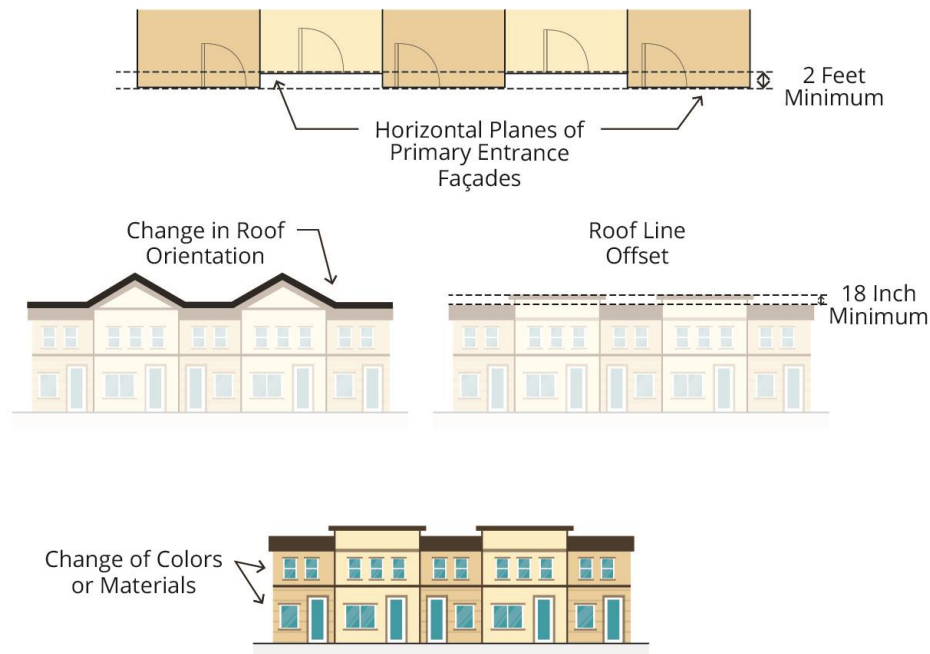
3. **Vertical Articulation.** In buildings of two or more stories, upper and lower stories shall be distinguished by incorporating one or more of the following features. These features may be applied to the transitions between any floors, except where otherwise specified.
  - a. A change in façade materials, along with a change in plane at least four inches in depth at the transition between the two materials.
  - b. A horizontal design feature such as an awning, overhang, cornice line, water table, or belt course.
  - c. A base treatment a minimum of four feet at the ground floor consisting of a material such as stone, concrete masonry, or other material distinct from the remainder of the façade and projecting at least two inches from the wall surface of the remainder of the building.

- d. Setting back the top floor or floors of the building at least five feet from the remainder of the façade.



**FIGURE 3-10E MULTI-UNIT DWELLINGS, VERTICAL ARTICULATION**

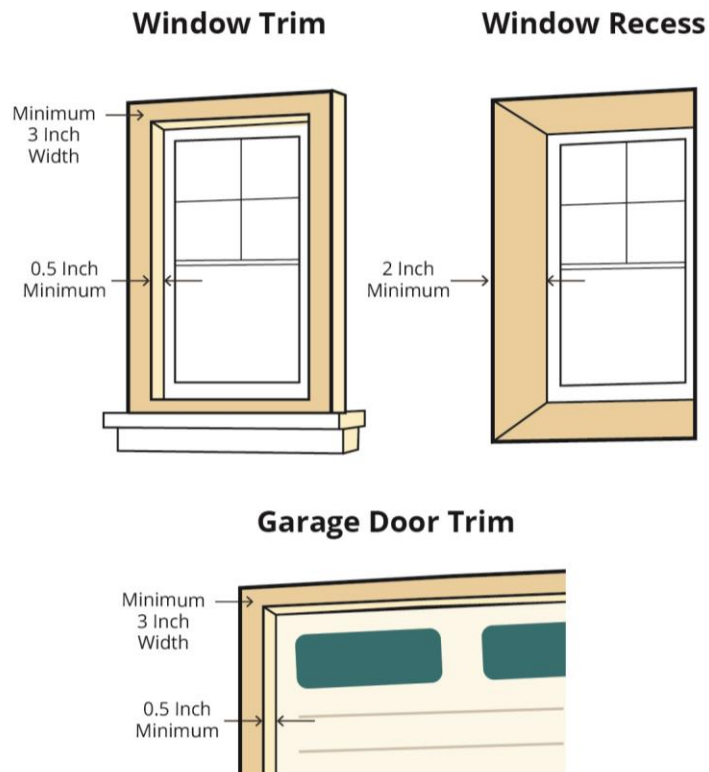
4. ***Townhomes and Rowhouses.*** In addition to the other building design requirements of this Section, attached side-by-side dwelling units shall meet the following requirements.
- a. ***Unit Articulation.*** Individual units shall be emphasized through two or more of the following methods. The methods chosen to meet this requirement may count toward other design requirements provided the necessary criteria are met.
- Variations of two feet or more between the horizontal planes of the primary entrance façade of adjacent units.
  - A change in roof orientation between adjacent units (e.g., a gable roof adjacent to a hipped roof).
  - A roofline offset of at least 18 inches for each unit exposed on the associated elevation.
  - Change of colors or materials.



**FIGURE 3-10F TOWNHOMES AND ROWHOUSES, UNIT ARTICULATION**

5. **Waivers.** Should the applicant elect not to meet the objective building design standards, the applicant may request a Waiver pursuant to Chapter 16.176 (Waivers). A Waiver of the building design requirements may be approved upon finding that adequate design features have been incorporated to create visual variety and avoid a large-scale and bulky appearance.
- E. **Window and Garage Door Trim or Recess.** Windows and garage doors shall have trim at least three inches wide and one-half inch in depth, or be recessed at least two inches from the plane of the surrounding exterior wall. Should the applicant elect not to meet the objective window and garage trim or recess requirement, the applicant may request a Waiver pursuant to Chapter 16.176 (Waivers). A Waiver of the window and garage trim or recess requirement may be approved upon finding that providing the required window or garage trim or recess would be inconsistent with the architectural style of the structure and alternative methods have been incorporated to create shadow and depth along the facade.

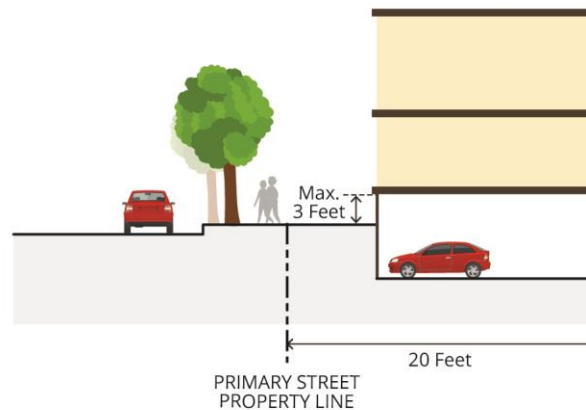




**FIGURE 3-10G MULTI-UNIT DWELLINGS, WINDOW AND GARAGE DOOR TRIM OR RECESS**

- F. **Street Frontage Transparency.** Exterior walls facing a street shall include windows or doors, inclusive of inset frames, for at least 25 percent of the ground floor building wall. No wall shall run in a continuous plane of more than 30 feet without a window, door, or other opening.
1. **Waivers.** Should the applicant elect not to meet the above objective residential street frontage transparency standard, the applicant may request a Waiver pursuant to Chapter 16.176 (Waivers). A Waiver of the residential street frontage transparency requirement may be approved upon finding that:
    - a. The proposed project or its location has certain characteristics with which providing the required windows and openings is incompatible; and

- b. Street-facing building walls exhibit architectural relief and detail, and are enhanced with landscaping to create visual interest at the pedestrian level.
- G. **Underground and Tuck Under Parking.** The maximum above ground height of an underground or tuck under parking area within 20 feet of the primary street facing property line shall be three feet from finished grade.



**FIGURE 3-10H UNDERGROUND AND TUCK UNDER PARKING, MAXIMUM ABOVE GROUND HEIGHT**

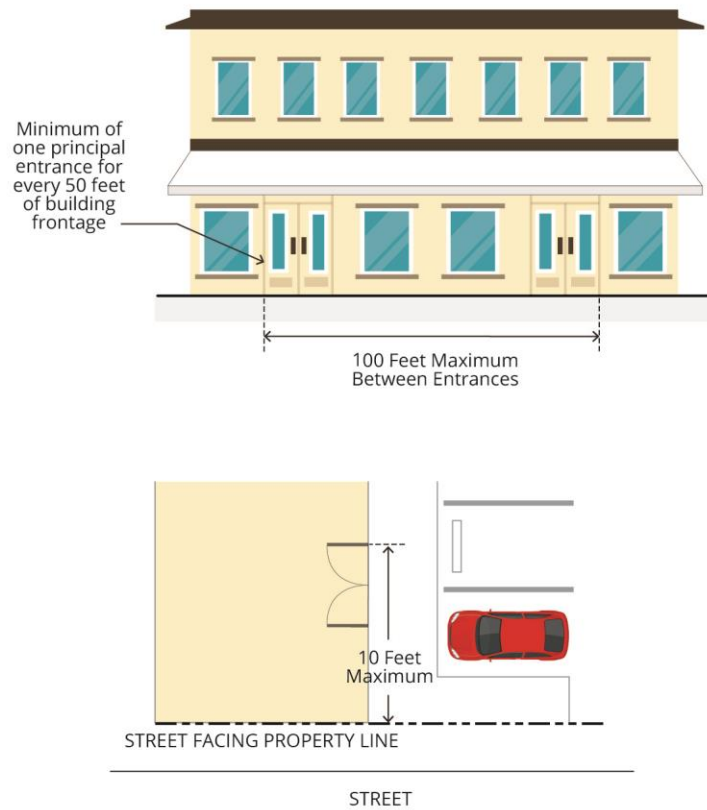
#### **16.38.050 Mixed-Use Buildings**

- A. **Applicability.** Buildings containing residential and nonresidential uses as primary uses in a single building, including live-work units, shall meet the design standards of this Section.
- B. **Building Orientation.** Buildings located along a street or pedestrian walkway shall be oriented toward the adjacent street or pedestrian walkway with the building frontage parallel to the fronting street or pedestrian walkway, except as follows:
  - 1. Where lots have frontage on two or more streets, buildings shall be oriented to at least one street.
  - 2. Where lots front only onto an arterial street, buildings may be oriented toward an interior drive or walkway.
  - 3. **Waivers.** Should the applicant elect not to meet the above objective building orientation standards, the applicant may request a Waiver pursuant to Chapter 16.176 (Waivers). A Waiver of the building orientation

requirements may be approved upon finding that the design, context, and/or use of the project make orienting the buildings to the street or pedestrian walkway incompatible and the project includes designs that create a welcoming feeling toward the street, such as incorporating features such as a trellis, landscaped courtyard entry, enhanced walkway, columns or other architectural features.

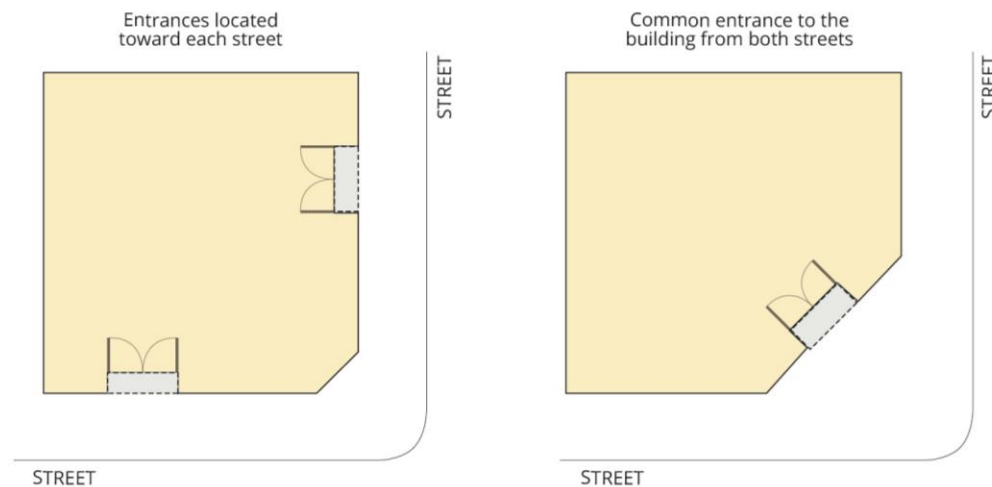
C. **Entrances.**

1. ***Ground Floor Residential Uses.*** Ground floor residential units shall meet the entrance requirements of Section 16.38.040.C (Entrances), above.
2. ***Ground Floor Nonresidential Uses.*** There shall be a minimum of one principal entrance for every 50 feet of building frontage with a maximum separation of 100 feet between entrances. Principal entrances shall be designed in accordance with the following standards.
  - a. In buildings located within 30 feet of a street-facing property line, the principal building entrance shall face the street. Alternatively, the principal building entrance may face perpendicular to the street, provided it is within ten feet of the street-facing property line.



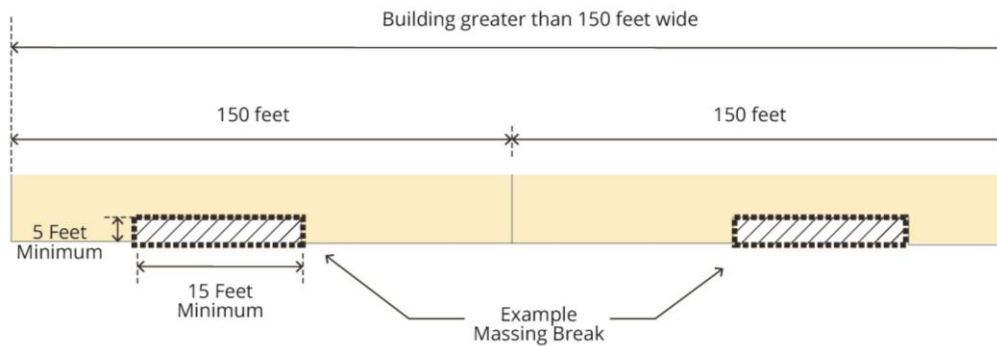
**FIGURE 3-11A GROUND FLOOR NONRESIDENTIAL USES, ENTRANCE DESIGN**

- b. Buildings located at corners shall provide a principal entrance toward each street or have a corner entrance that provides a common entrance to the building from both streets.



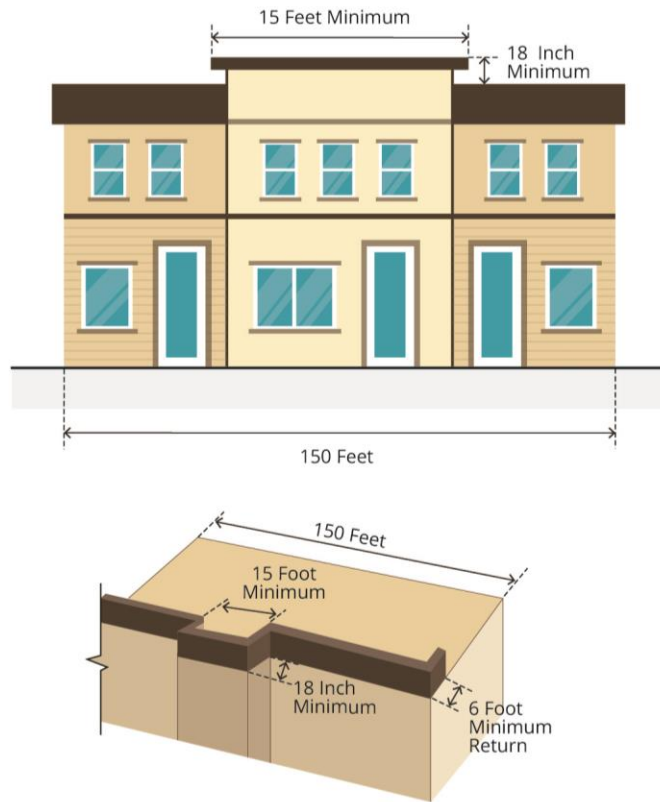
**FIGURE 3-11B GROUND FLOOR NONRESIDENTIAL USES, CORNER BUILDINGS ENTRANCE DESIGN**

3. **Waivers.** Should the applicant elect not to meet the above objective entrance standards, the applicant may request a Waiver pursuant to Chapter 16.176 (Waivers). A Waiver of the entrance requirements may be approved upon finding that the design, context, and/or use of the project make the entrance requirements incompatible and that street-facing building walls incorporate architectural features, exhibit relief and detail, and are enhanced with landscaping to create visual interest at the pedestrian level.
- D. **Building Design.** Buildings shall include the following design features to create visual variety and avoid a large-scale and bulky appearance.
1. **Massing Increment.** For building facades 150 feet or longer, a change in façade plane with a recess a minimum of 15 feet wide and ten feet deep shall be provided for every 150 feet of building frontage.



**FIGURE 3-11C MIXED USE BUILDINGS, MASSING INCREMENT**

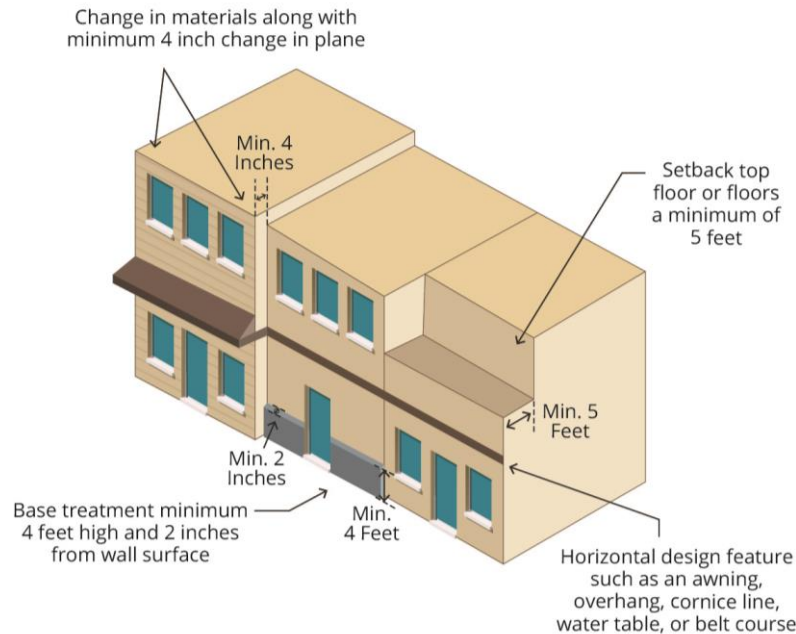
2. **Roof Line.** Roof lines shall be varied and designed to minimize the bulk of a building, screen roof-mounted equipment, and enhance the building's architectural design through the following methods:
  - a. A minimum of one roof line offset of at least 18 inches in height and 15 feet in length shall be provided for every 150 feet of façade length.
  - b. Where parapets are provided, the minimum 18-inch offset in height required above may be substituted by an offset of at least 18 inches in depth. All parapets shall provide returns of at least six feet in depth at the end of the parapet face to avoid a false front appearance.



**FIGURE 3-11D MIXED USE BUILDINGS, ROOF LINE**

3. **Vertical Articulation.** In buildings of two or more stories, upper and lower stories shall be distinguished by incorporating one or more of the following features. These features may be applied to the transitions between any floors, except where otherwise specified.
  - a. A change in façade materials, along with a change in plane at least one inch in depth at the transition between the two materials.
  - b. A horizontal design feature such as an awning, overhang, cornice line, water table, or belt course.
  - c. A base treatment a minimum of four feet at the ground floor consisting of a material such as stone, concrete masonry, or other material distinct from the remainder of the façade and projecting at least two inches from the wall surface of the remainder of the building.

- d. Setting back the top floor or floors of the building at least five feet from the remainder of the façade.



**FIGURE 3-11E MIXED USE BUILDINGS, VERTICAL ARTICULATION**

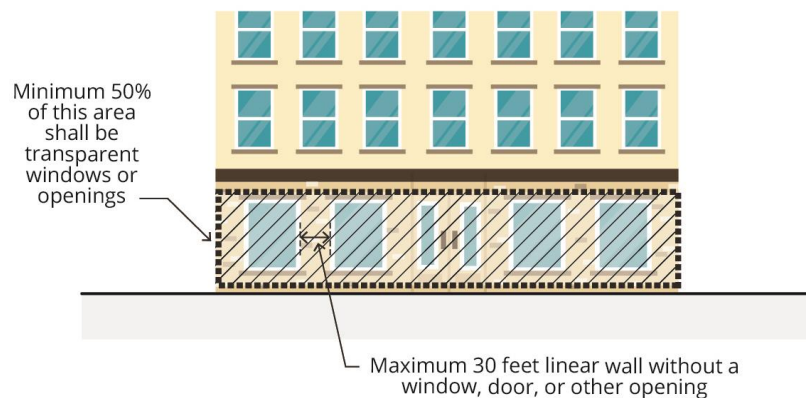
4. **Waivers.** Should the applicant elect not to meet the objective building design standards, the applicant may request a Waiver pursuant to Chapter 16.176 (Waivers). A Waiver of the building design requirements may be approved upon finding that adequate design features have been incorporated to create visual variety and avoid a large-scale and bulky appearance.

## E. **Windows and Openings.**

1. **Nonresidential Uses: Building Transparency/Required Openings.** Exterior walls facing a street or pedestrian walkway shall include windows, doors, or other openings for at least 50 percent of the building wall area located between two and a half and seven feet above the level of the sidewalk.
  - a. **Design of Required Openings.** Openings fulfilling this requirement shall have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three feet deep.

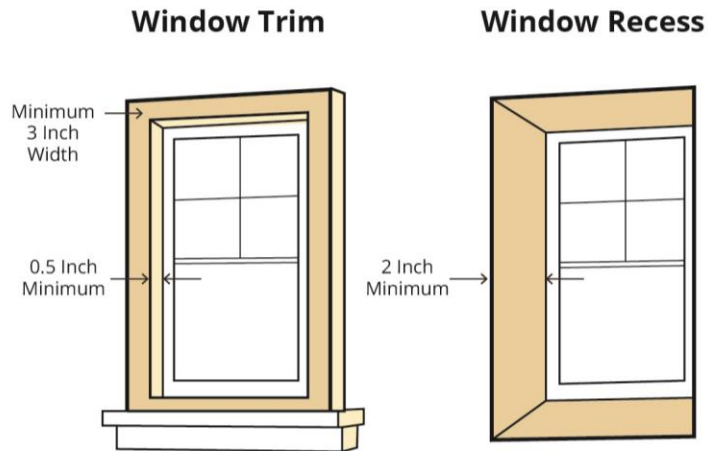


- b. **Waivers.** Should the applicant elect not to meet the above objective building transparency/required openings standards, the applicant may request a Waiver pursuant to Chapter 16.176 (Waivers). A Waiver of the building transparency/required openings requirements may be approved upon finding that:
- i. The proposed use has certain operational characteristics with which providing the required windows and openings is incompatible; and
  - ii. Street-facing building walls exhibit architectural relief and detail, and are enhanced with landscaping to create visual interest at the pedestrian level.



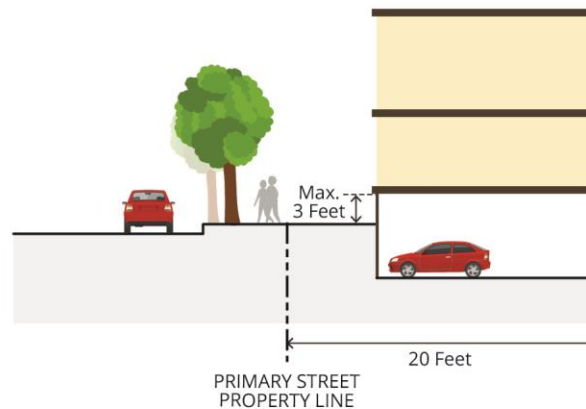
**FIGURE 3-11F MIXED USE BUILDINGS, NONRESIDENTIAL USES: BUILDING TRANSPARENCY/REQUIRED OPENINGS**

2. ***Residential Uses: Window Trim or Recess.*** Windows for residential uses shall have trim at least three inches wide and one-half inch in depth, or be recessed at least two inches from the plane of the surrounding exterior wall. Should the applicant elect not to meet the objective window trim or recess requirement, the applicant may request a Waiver pursuant to Chapter 16.176 (Waivers). A Waiver of the window trim or recess requirement may be approved upon finding that providing the required window trim or recess would be inconsistent with the architectural style of the structure and alternative methods have been incorporated to create shadow and depth along the facade.



**FIGURE 3-11G MIXED USE BUILDINGS, RESIDENTIAL USES: WINDOW TRIM OR RECESS**

- F. **Underground and Tuck Under Parking.** The maximum above ground height of an underground or tuck under parking area within 20 feet of the primary street facing property line shall be three feet from finished grade.



**FIGURE 3-11H UNDERGROUND AND TUCK UNDER PARKING, MAXIMUM ABOVE GROUND HEIGHT**

## **SECTION X: AMENDMENT OF CODE**

Title 16, Division 3, Chapter 16.40 of the Stockton Municipal Code (SMC) is amended to read, as follows:

## **Chapter 16.40 Affordable Housing Incentives/Density Bonus Provisions\***

\* Prior history: prior code §§ 16-315.010—16-315.090; Ords. 2020-06-09-1501 C.S., 015-09 C.S., 023-07 C.S., and 012-07 C.S.

### **16.40.010 Purpose.**

This chapter establishes procedures and requirements for the implementation of State Density Bonus Law (Government Code Section 65915, et seq.) and to accomplish the following:

- A. Clear, streamlined procedures that enable the expedited administration of this chapter.
- B. Promote affordable housing production through incentives exceeding State mandates when certain community benefits are provided.
- C. Establish standards that implement the goals, objectives, and policies of the Stockton General Plan, including its Housing Element, to address housing needs in the community. (Ord. 2020-12-01-1502 C.S. § 7)

### **16.40.020 Applicability.**

This chapter applies to housing developments conforming to the definition herein. In the event of a conflict between this chapter and State Density Bonus Law, the provisions of State Density Bonus Law shall prevail. (Ord. 2020-12-01-1502 C.S. § 8)

### **16.40.030 Definitions.**

The following terms are specialized for use only in this chapter.

- A. **Affordable Rent.** Monthly rent charged to extremely low-, very low-, low-, and moderate-income households for housing units as calculated in accordance with Section 50053.b of the California Health and Safety Code.
- B. **Base Project.** The maximum number of units allowed for the site by zoning district allowances and prior to the inclusion of any units above that amount requested as a density bonus.
- C. **Bedroom.** A bedroom is defined as any room that meets the criteria for a bedroom or sleeping room in the California Building Standards Code.

- D. **Concession or Incentive.** A modification in development standards, zoning code requirements, architectural design requirements, parking requirements, or other concessions or incentives identified in Government Code Section 65915(k) or any successor provision that results in identifiable and actual cost reductions, in order to provide for affordable housing.
- E. **Density Bonus.** As defined by State law (Government Code Section 65915, et seq.), an increase over the maximum density otherwise allowed by the applicable zoning district, that is granted to the applicant of a housing development who agrees to construct a prescribed percentage of dwelling units that are affordable to moderate and/or lower income households. When determining the number of dwelling units that shall be affordable, the units authorized by the density bonus shall not be included in the calculation.
- F. **Development Standard.** Site or construction conditions that apply to a housing development in compliance with any ordinance, General Plan element, specific plan, Charter amendment, or other local condition, law, policy, resolution, or regulation.
- G. **Eligibility Points.** The number of points calculated pursuant to Section 16.40.050 (Concessions or Incentives, Waivers or Reductions, and Eligibility Points) must be earned by an applicant for a housing development to establish eligibility for a supplemental density bonus. Eligibility points are earned through the provision of affordable housing units, or through the provision of affordable housing together with approved community benefits as provided in Section 16.40.050.
- H. **Equivalent Size.** As required by State law (Government Code Section 65915, et seq.), equivalent size for the purposes of enforcing affordable housing replacement unit provisions shall mean that replacement units must contain at least the same total number of bedrooms as the units being replaced.
- I. **Family-Size Units.** A dwelling unit with three (3) or more bedrooms.
- J. **Housing Development.** A development project of five (5) or more residential units, including mixed-use developments, as defined by California Government Code Section 65917.2. For the purposes of this chapter, “housing development” also includes projects defined in California Government Code Section 65915(i), including a subdivision or common interest development, as defined in Section 4100 of the California Civil Code, approved by the City and consisting of residential units or unimproved residential lots and either a project to substantially rehabilitate

and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multi-unit dwelling, as defined in subdivision (d) of California Government Code Section 65863.4, where the result of the rehabilitation would be a net increase in available residential units.

- K. Maximum Allowable Residential Density. The maximum number of dwelling units per acre pursuant to zoning district allowances.
- L. State Density Bonus Law. Sections 65915 through 65918 of the California Government Code. The City will allow a housing development a 35 percent maximum density bonus and concessions or incentives meeting all the applicable eligibility requirements as set forth in California Government Code Section 65915, et seq.
- M. Waiver or Reduction. An allowed modification of development standards that would otherwise physically preclude the construction of a development meeting the criteria of this chapter at the density permitted under State Density Bonus Law or with the concessions and incentives granted under this section and State Density Bonus Law. (Ord. 2020-12-01-1502 C.S. § 9)

#### **16.40.040                   Types of density bonuses.**

Based on the size of the increase requested, the City defines three (3) categories of density bonus applications. Affordable housing provided to establish eligibility for a Supplemental density bonus shall be calculated on the “base project,” not including State Density Bonus units granted pursuant to this chapter and California Government Code Section 65915. The types of density bonuses include:

- A. State Density Bonus (0% to 50%). The City will allow an eligible housing development a 50 percent density bonus maximum and concessions or incentives as set forth in this chapter and State law.
- B. Tier-1 Supplemental Density Bonus (50% to 75%). The City will allow an eligible housing development up to a 75 percent maximum density bonus. A request for a Tier-1 density increase shall receive the same concessions or incentives granted in the State Density Bonus; however, must achieve the minimum Tier-1 eligibility point score of 30 points as defined by Section 16.40.050.
- C. Tier-2 Supplemental Density Bonus (76% to 100%). The City will allow an eligible housing development up to a 100 percent maximum density bonus. A request for a Tier-2 density increase shall receive the same concessions or incentives granted

in the State Density Bonus; however, must achieve the minimum Tier-2 eligibility point score of 50 points as defined by Section 16.40.050. (Ord. 2020-12-01-1502 C.S. § 10)

**16.40.050 Concessions or incentives, waivers or reductions, and eligibility points.**

- A. Applicable Concessions or Incentives. The City shall grant qualifying housing developments and qualifying land transfers a density bonus, the amount of which shall be as specified in California Government Code Section 65915 et seq., and incentives or concessions also as described in California Government Code Section 65915 et seq. Density bonus projects that do not qualify for incentives or concessions under State law shall receive a total of three (3) of the following concessions or incentives, waivers or reductions:
1. Setback Reduction. A setback reduction of up to 25 percent, but not to be less than 20 percent below the average of developed lots on the same block face.
  2. Automatic Reductions for Off-Street Parking Requirements.
    - a. Up to 25 percent reduction for all density bonus types (Section 16.40.040).
    - b. Up to 50 percent reduction for housing developments that demonstrate at least 25 percent of total units affordable to very-low/low income households.
    - c. Up to 75 percent reduction for housing developments that demonstrate at least 50 percent of total units affordable to very-low/low income households.
    - d. Up to 100 percent reduction for housing developments that demonstrate at least 75 percent of total units affordable to very-low/low income households.
  3. Waivers for Lot Coverage and Floor Area Ratio (FAR).
    - a. Up to five (5) percent increase for all density bonus types (Section 16.40.040).

- b. Up to 10 percent increase for housing developments that demonstrate at least 25 percent of total units affordable to very-low/low income households.
  - c. Up to 15 percent increase for housing developments that demonstrate at least 50 percent of total units affordable to lower income households.
  - d. Up to 20 percent increase for housing developments that demonstrate at least 75 percent of total units affordable to very-low/low income households.
- 4. Site/Lot Coverage. Increase in allowable lot coverage by up to 25 percent of lot area.
- 5. Building Height. Increase of the larger of up to 12 feet or 10 percent beyond current maximum permitted. Additional height increases may be approved by the Director if the proposed height is shown not to have a negative impact on surrounding land uses.
- B. Waiver of Standards Preventing the Use of Bonuses and/or Incentives.
  - 1. As required by Government Code Section 65915(e), the City will not apply a development standard that will have the effect of physically precluding the construction of a housing development meeting the criteria of Government Code Section 65915(b) at the densities or with the concessions or incentives allowed by Government Code Section 65915.
  - 2. An applicant may submit to the City a proposal for the waiver or modification of development and zoning standards that would otherwise inhibit the utilization of a density bonus on a specific site, including minimum parcel size, side setbacks, and placement of public works improvements.
  - 3. The applicant shall show that the waiver or modification is necessary to make the housing units economically feasible.
- C. Eligibility Points. Required for a Tier-1 or Tier-2 supplemental density bonus request, as defined by Section 16.40.040. An applicant can propose any combination of the following incentives to achieve the minimum eligibility points needed for the proposed density bonus type. As indicated in Section 16.40.040, Tier-1 requests require a minimum 30 eligible points while Tier-2 requests require a minimum of 50 eligible points.

1. Affordable Housing. One (1) additional point for each additional percent of very low-/low-income units included in the housing development.
2. Sustainable Design.
  - a. LEED Certification.
    - i. Certified: 15 pts.
    - ii. Silver: 20 pts.
    - iii. Gold: 25 pts.
    - iv. Platinum: 30 pts.
  - b. CALGreen Tier I Green Building Standards (Title 24 of the California Code of Regulations) or Equivalent. All requests require third-party certification. Maximum incentive points: 20 pts.
  - c. Alternative Energy. 10 percent of total building energy load provided by solar panels or other on-site renewable sources, including co-generation: 15 pts.
3. Adaptive Reuse. For housing developments improving or rehabilitating properties or building registered as Federal, State, and/or historic landmarks: 20 pts.
4. Priority Areas.
  - a. Housing developments within the Downtown Core: 15 pts.
  - b. Housing developments within a disadvantaged community: 25 pts.
  - c. Housing developments within a qualified opportunity zone as certified by the Secretary of the U.S. Treasury via his or her delegation of authority to the Internal Revenue Service: 25 pts. (Ord. 2020-12-01-1502 C.S. § 11)

#### **16.40.060 Applications and processing.**

- A. Applicability. Developers are entitled to accept a lesser percentage of density bonus, including, but not limited to, no increase in density than they are otherwise eligible to receive pursuant to this chapter and California Government Code Section 65915. The amount of density increase, if any, that is accepted by the



applicant shall not reduce or otherwise impact eligibility for requested concessions and incentives, waivers or reductions associated with an eligible project.

- B. Application Review. Density bonus applications are ministerial and shall be subject to State law requirements and the standards of this Development Code.
- C. Concurrent Processing. A request for a density bonus will be reviewed by Department staff, and current with other requested entitlements, if applicable. Once deemed complete, the density bonus application shall be processed ministerially and determinations made concurrent with the planning entitlement(s) for the housing development. This does not include discretionary actions (i.e., development agreements, variance, use permits) subject to the approval of the Planning Commission or City Council.
- D. Priority Processing. A housing development including at least 20 percent of total units affordable to lower income households, with the affordability maintained through an agreement with a governmental agency, shall be entitled to priority processing. Priority processing shall mean a timeline for review of the housing development and all associated applications as mutually agreed to by the City and the developer.
- E. Application Submittal Requirements. A request in accordance with this chapter shall include the following information:
  - 1. Completed universal planning application form indicating a density bonus is requested. This includes all site plan and architectural review items needed to demonstrate compliance with the City's Development Code and Citywide design standards.
  - 2. A title report not less than 60 days old.
  - 3. A project description indicating:
    - a. The location, acreage, zoning and General Plan land use designations, permitted residential density, number of units requested, and the types of density bonus requested pursuant to Section 16.40.040.
    - b. Include a table indicating the following:
      - i. Number of market rate units;
      - ii. Number of affordable housing units and their targeted income level;

- iii. Means to ensures affordability (i.e., deed restriction, income verified);
    - iv. Other provisions (e.g., land donation), which will demonstrate eligibility for a State Density Bonus under this chapter.
  - c. A section identifying the type of concessions or incentives, or waivers or reductions, that will result in identifiable and actual cost reductions to provide for affordable housing costs. The information should be sufficiently detailed and include a cost evaluation (“pro-forma”) showing before and after costs to enable Department staff to examine the conclusions reached by the applicant. This requirement at the time of application does not prevent the developer from substituting a different concession or incentive, or waiver or reduction, from what is initially proposed at a later phase in the application.
  - d. A density bonus agreement in accordance with Section 16.40.070.
- F. Review Authority. The Director is the review authority for density bonus applications. The decision of the Director is subject to appeal in compliance with Chapter 16.100 (Appeals). (Ord. 2020-12-01-1502 C.S. § 12)

**16.40.070                      Density bonus housing agreement.**

- A. A density bonus housing agreement must be executed prior to recording any final map for the underlying property or prior to occupancy for the housing development, whichever comes first.
- B. The density bonus housing agreement shall:
  - 1. Identify the type, size and location of each affordable housing unit required hereunder;
  - 2. Identify the term of the agreement, which would define the term of affordability of the required units;
  - 3. Require that the affordable housing units be constructed and completed by the applicant as specified in this chapter and in accordance with State law;
  - 4. Require that each affordable housing unit be kept available only to members of the identified income group at the maximum affordable rent during the term of the agreement;

5. Identify the means by which continued availability shall be secured and enforced and the procedures under which the affordable housing units shall be leased and contain such other terms and provisions the City may require. The agreement shall be in a form able to be recorded with the San Joaquin County Recorder;
  6. Include a schedule for completion and occupancy of target units;
  7. Include any other provisions appropriate to ensure implementation and compliance with this chapter;
  8. Be binding on all future owners and successors of interests of the housing development; and
  9. Be reviewed and approved by the Director at the recommendations of the Economic Development Director or the City Attorney, and the affordability of the required units shall be monitored for compliance by the Economic Development Department, Housing Authority, or applicable public funding source.
- C. Required Terms for the Continued Availability of Affordable Housing Units.
1. Low- and Very Low-, and Extremely Low-Income Households. An applicant for a housing development providing low and very low-income units in accordance with this chapter must continue to restrict those units to low or very low-income households for a minimum of 55 years or longer term under another regulatory agreement from the date of initial occupancy.
  2. Moderate-Income Households. In the case of a housing development providing moderate income units, the initial occupant of the unit must be a person or family of moderate income.
  3. In the case of for-sale housing developments, the density bonus housing agreement shall provide the terms for future sales and recapture of any equity to ensure continued affordability for the requisite period of time, as described in Government Code 65915, et seq. (Ord. 2020-12-01-1502 C.S. § 13)

**16.40.080                      Judicial relief, City exemption.**

- A.     Judicial Relief. As provided by Government Code Section 65915(d)(3), the applicant may initiate judicial proceedings if the City refuses to grant a requested density bonus and/or incentive.
- B.     City Exemption. Except upon a written finding, based upon substantial evidence, nothing in this chapter shall be interpreted to require the City to:
  - 1.     Grant a density bonus or incentive or waive or modify development standards, if the bonus, incentive, waiver, or modification, would have a specific, adverse impact, as defined in Government Code Section 65589.5(d)(2), upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact; or
  - 2.     Grant a density bonus, incentive, or waive or modify development standards, which would have an adverse impact on any real property that is listed in the California Register of Historical Resources. (Ord. 2020-12-01-1502 C.S. § 15)

**SECTION XI: AMENDMENT OF CODE**

Title 16, Division 3, Chapter 16.48 of the Stockton Municipal Code (SMC) is amended to read, as follows:

**Chapter 16.48 Fences, Hedges, and Walls**

**16.48.010                      Purpose.**

The purpose of this chapter is to establish requirements for fences, hedges, and walls. These requirements are designed to provide aesthetic enhancement of the City.

**16.48.020                      Applicability.**

The provisions of this chapter apply to all fences, hedges, and walls unless otherwise stated. These regulations do not apply to fences or walls required by regulations of a State or Federal agency, or by the City for reasons of public safety.

#### **16.48.030 Permit Required.**

A Building Permit is required for fences and walls consistent with the current version of the California Building Code.

#### **16.48.040 Measuring Fence or Wall Height.**

The height of a fence or wall, including fences placed on top of a wall, is measured as the vertical distance from the highest finished grade on either side of the fence or wall to the highest point of such fence or wall.

#### **16.48.050 Maximum Height.**

The maximum allowed height of fences, walls, dense hedges, and related structures is as follows. Fences, walls, dense hedges, and related structures are also subject to Section 16.36.140 (Traffic Sight Area).

- A. **Front and Street-Side Setbacks.** Fences, walls, dense hedges, and similar structures shall not exceed three feet in height within the required front and street-side setback, except as follows.
1. **Open Fences.** Fences constructed of open grillwork or other allowed material that allows at least 33 percent view penetration through the fence may be a maximum of four feet tall.
  2. **Welded-metal Fences.** A decorative, open wrought-iron or tubular-steel fence not exceeding six feet in height in the Magnolia Historic (-MHD) Overlay District and five feet in height outside of the -MHD Overlay District may be placed along the front and street side property lines or within the front-yard and street side-yard setback areas.
    - a. This exception does not authorize solid walls or fences composed of chain link, woven wire, wood, or materials other than open wrought iron or tubular steel.
    - b. A post or pilaster, consisting of masonry, brick, or other solid material, not exceeding 18 inches square and five feet tall, may be used to support a wrought iron or tubular steel fence at a minimum distance between posts of seven feet.

- B. **Other Areas.** Fences, walls, dense hedges, and similar structures located outside of required setback areas or within required interior side or rear setback areas shall not exceed eight feet in height.
- C. **Decorative Features.** One entry gateway, trellis, or other entry structure is permitted in the required front or street-facing side yard of each lot, provided that the structure does not exceed ten feet in height, eight feet in width, and three feet in depth. Such decorative features shall not have any solid obstruction that exceeds one foot in diameter between the height of three feet and eight feet.
- D. **Exceptions.**
  - 1. **Public Areas.** Fences that enclose school grounds, public playgrounds, tennis courts, public swimming pools, or other public areas that are used for athletic purposes may exceed the maximum height limitations of this Chapter with the approval of the Director.
  - 2. **Noise Mitigation.** Walls used to mitigate noise may exceed the maximum height limitations of this Chapter with the approval of the Director.

#### **16.48.060 Walls and Fences Along Rights-of-Way.**

Perimeter fences/walls adjoining public rights-of-way shall be designed and constructed in compliance with City standard specifications and plans and as follows:

- A. Walls, where required, shall be constructed of decorative concrete or masonry materials up to six feet tall unless alternative materials are approved by the Director.
- B. Aesthetic appeal as well as structural integrity shall be considered when designing the wall.
- C. All walls shall be located on private property and a separate maintenance easement shall be recorded for the walls. The easement shall be of a sufficient size to allow for regular maintenance (i.e., graffiti removal) and shall include the width of the support footing as it extends from both sides of the wall. The owner, developer, and successors-in-interest shall provide for maintenance of the walls by providing some type of permanent maintenance entity such as either a Homeowners Association or participation in the City's consolidated landscape maintenance district.

- D. Where a 15-foot wide landscaped right-of-way is not required, walls shall be articulated by providing a minimum three foot deep by ten-foot long landscaped recession for every 50 feet of continuous wall.
- E. The design shall include an appropriate mix of materials and landscaping subject to the approval of the Director, including materials designed to discourage graffiti (i.e., vines, shrubs with thorns etc.).

#### **16.48.070 Materials.**

##### **A. Chain-Link Fencing.**

- 1. ***Residential Uses and Districts.*** Chain-link fencing is prohibited in Residential Districts and for residential uses in Nonresidential Districts.
- 2. ***Nonresidential Uses in Commercial and Industrial Districts.*** Chain-link fencing is prohibited within ten feet of a front or street-side property line. Any chain link fencing must be vinyl-coated,

- B. **Barbed Wire / Razor Wire Fencing.** Barbed wire and razor wire fencing is prohibited in Residential Districts or adjacent to public rights-of-way in Commercial and Industrial Districts. All barbed wire, razor wire, or other sharp pointed material may only be used in the construction of a fence if it is at least seven feet above ground level and not visible from any adjacent public street.

- C. **Tarp Fencing.** Tarp fencing shall be prohibited in all zoning districts.

- D. **Electrified Fencing.** The use of electrified fencing, for security or other purposes, is prohibited in all zoning districts, except in the CG, CA, CL, CH, IL, IG, and PT districts. Said fencing shall comply with the following requirements:

- 1. ***Electrified Fences in the CG, CA, CL, and CH Districts.*** The following uses are eligible for electrified fencing in the CG, CA, CL, and CH Districts:
  - a. Marinas;
  - b. Construction, farm and heavy equipment sales;
  - c. Personal storage facilities; and
  - d. Minor communication facilities.
- 2. ***Permits Required.*** Any electrified fencing shall require the approval of the following permits:

- a. *Land Development Permit.* A Land Development Permit in compliance with Chapter 16.136 (Land Development Permits) when located in the CG, CA, CL, or CH District, except as otherwise approved by another discretionary application for a project on the same site.
  - b. *Alarm Permit.* An alarm permit obtained from the Police Department. For this program, all applicable alarm fees apply to electric fence installations. (See Title 8, Chapter 8.44 “Intrusion Detection Devices and Burglar Alarm Systems.”)
  - c. *Building Permit.* A building permit in compliance with Title 15, Buildings and Construction.
3. **General Requirements.** The following electrified fencing standards shall apply to all development:
- a. *Electrical Standard.* Unless otherwise specified herein, electrified fences shall be constructed or installed in conformance with applicable provisions of International Electrotechnical Commission (IEC) standards for electric fence energizers, as well as applicable provisions of the California Electrical Code (CEC), as necessary.
  - b. *Electrification.*
    - i. The energizer for electric fences must be driven by a commercial storage battery not to exceed 12 volts DC or other approved 12 Volt DC or less power source.
    - ii. The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in the IEC standard for electric fence energizers.
    - iii. Non-low voltage electrical components (e.g., controllers, transformers) of the electric fencing system shall be approved and listed by an Occupational Safety and Health Act Nationally Recognized Testing Laboratory.
  - c. *Perimeter Fence or Wall.* Except as required by Subsection D.3.h (Adjacent to Residential Zones or Uses), electrified fencing shall be completely surrounded by a non-electrified fence or wall that is not less than six feet tall and has no barbed, concertina, or similar wire



attached. Vehicle access gates along public rights-of-way may be exempted from this requirement, subject to approval of a Land Development Permit in the CG, CA, CL, or CH District or another discretionary application for a project on the same site. Any barbed, concertina, or similar wire on existing fences shall be removed prior to the installation of the electric fence. Existing developed properties with legally-built existing chain-link fencing may retain said fencing when located closer than ten feet from the front and side property. Similarly, vinyl coating on said fencing is not required.

- d. *Setback.*
  - i. Any opening in the perimeter fence less than or equal to three inches shall require a minimum one-foot setback from the electric fence (IEC 60335-2-76 Standard).
  - ii. Any opening in the perimeter fence greater than three inches shall require a minimum three-foot setback from the electrified fence or the installation of an approved mesh between electrified fence and non-electrified fence.
- e. *Height.* Electrified fencing shall not have a height in excess of ten feet.
- f. *Warning Signs.* Electric fences shall be clearly identified with 12-inch by 18-inch warning signs on both the inside and outside of the fence. The signs shall read “Warning-Electric Fence” in English with international symbols and other languages as required by the Land Development Permit in the CG, CA, CL, or CH District, at intervals of not greater than 30 feet. Warning signs shall be maintained in good condition at all times to ensure visibility.
- g. *Emergency Access.* A “Knox Box” or other similar approved devices shall be installed for emergency access by Police and Fire Departments. A means to disconnect electrical power to the fence shall be readily available to the Police and Fire Departments. Disconnect switches and controls shall be in an accessible location on the property and shall not be obscured in any manner from the street / private driveway access. Approved signs stating the identification of such switches / controls in addition to informational

instructions as to how to disable the electrical system shall be installed to the satisfaction of the Fire Marshal. In accordance with Section 8.44.090, a notice shall be posted at each gate (pedestrian and vehicle gates) indicating a 24-hour contact name and phone number or said information shall be filed and kept updated with the Police Department. In the event that access by the City of Stockton Fire Department and/or Police Department personnel to a property where a permitted electric fence has been installed and is operating is required due to an emergency or urgent circumstances, and the Knox Box or other similar approved device above is absent or non-functional, and an owner, manager, employee, custodian, or any other person with control over the property is not present to disable the electric fence, fire or police personnel shall be authorized to disable the electric fence in order to gain access to the property. As a condition of permit issuance, all applicants issued permits to install or use an electric fence as provided in this Chapter will agree to waive any and all claims for damages to the electric fence against the City of Stockton and/or its personnel under such circumstances.

- h. *Adjacent to Residential Districts or Uses.* Electric fences may abut residentially-zoned or residentially-used property when there is a non-electrified wall at least eight feet in height between the electrified fence and Residential District or use.

#### **16.48.080                      Graffiti Prevention.**

Fences and walls in multi-unit and nonresidential projects and all back-up walls shall be designed and built to control graffiti pursuant to Section 16.36.075 (Graffiti Prevention and Ease of Removal Provisions).

#### **16.48.090                      Maintenance.**

All walls and fences shall be maintained in a safe, neat and orderly condition at all times.

### **SECTION XII: AMENDMENT OF CODE**

Title 16, Division 3, Chapter 16.52 of the Stockton Municipal Code (SMC) is amended to read, as follows:

## **Chapter 16.52 Infill Development Standards**

### **16.52.010 Purpose.**

The purpose of this chapter is to provide standards for applicants that desire to develop unused or underutilized land within the City limits. The standards in this chapter are intended to encourage and maximize opportunities for infill development projects, which are beneficial to the community, protective of existing neighborhoods, and well designed. The benefits of infill include resource conservation, efficiency of facilities and services, promotion of alternative modes of transportation, and opportunities for diverse housing and mixed use options. It is the intent of this chapter to facilitate the seamless infill of potential sites that minimize impacts on the City as a whole and on existing residential neighborhoods (including but not limited to impacts upon neighborhood character, aesthetics, noise and privacy) and on traffic congestion and parking.

### **16.52.020 Applicability.**

The provisions of this chapter may apply to development in any zoning district within the existing jurisdictional boundaries of the City that meet all of the following criteria:

- A. Vacant and developed property, with or without existing structures, of less than a total of five (5) acres, which consist of:
  - 1. One (1) legal lot; or
  - 2. Two (2) or more contiguous, commonly-owned legal lots that are not separated by a public street;
- B. Bounded on at least three (3) sides by existing urban uses or development;
- C. Served by existing water, sewer, drainage, streets, and schools; and
- D. Qualify for categorical exemption under the California Environmental Quality Act, Section 15332, CEQA, Class 32. (Ord. 023-07 C.S. § 37; prior code § 16-330.020)

### **16.52.030 Standards and requirements.**

Infill development shall meet the requirements of this Development Code for the project, except for the following standards and requirements:

- A. Residential Projects.

1. General. All residential infill projects shall meet the following general requirements:
  - a. Density. Density may be reduced or increased at the discretion of the Director only under the following circumstances:
    - i. The decrease or increase is less than 30 percent of the required minimum or maximum density for the zoning district;
    - ii. The decrease or increase is compatible with existing development; and
    - iii. The decrease or increase will further the aims of this chapter, or as allowed under the density bonus provisions in compliance with Chapter 16.40 (Affordable Housing Incentives/Density Bonus Provisions).
  - b. Setback Requirements.
    - i. Primary Structure.
      - (1) Blocks with Existing Structures. The setbacks for the primary structure shall be no greater than, nor no less than, the minimum and maximum setbacks of the existing primary structures on the blockface on which the infill site is located, and shall be the same or greater than the front setbacks of the buildings on either side of the project.
      - (2) Blocks without Existing Structures. If there are no existing structures on the blockface proposed for an infill project, the setbacks shall be determined by the Review Authority, to be:
        - (a) Those of the zoning district in which the project is located;
        - (b) Those of the structures on the opposite side of the street; or
        - (c) Those specified in Table 3-5 (Setback Requirements for Residential Infill Projects).

<b>TABLE 3-5 SETBACK REQUIREMENTS FOR RESIDENTIAL INFILL PROJECTS</b>	
<i>Yard</i>	<i>Setback</i>
Front	Main structure with access to the parking space from the street: 10 feet
	Main structure with access to the parking space from the rear of parcel: 5 feet
Side	3 feet
Street side	5 feet
Rear	10 feet

ii. **Accessory Structures.**

- (1) **Garages/Covered Parking Space.** Garages/covered parking spaces shall meet the requirements for accessory structures, except that:
  - (a) **Street.** Garages/covered parking spaces shall have an equal or greater front setback than the front setback for the primary structure
  - (b) **Private Street or Alley.** The setback for garages/covered parking spaces on private streets or alleys may be less than the required setback (20 feet for streets and 10 feet for alleys), provided there is at least 25 feet to back out.
- (2) **Other.** Other accessory structures shall meet the front yard and street side yard requirements for primary structures, but shall have no setback requirements for rear and interior side yards.

c. **Height Limits.**

- i. **Primary Structure.** The height of the primary structure shall be in compliance with the height requirements for the zoning district, except that the height may be increased:
  - (1) To the height of the highest residential structure on the blockface; or
  - (2) By 25 percent if it is in keeping with the character of the blockface as determined by the Review Authority.

- ii. **Accessory Structures.** The height of an accessory structure may exceed 15 feet if it is in keeping with the character of the neighborhood and the primary structure as determined by the Director, but no higher than the height of the primary structure.
- d. **Parking Requirements.** The number of parking spaces required shall be in compliance with Chapter 16.64 (Off-Street Parking and Loading Standards), except that a waiver of the parking requirements may be granted by the Review Authority, if:
  - i. Existing physical constraints on the site limit the amount of parking that can be provided; and
  - ii. The granting of the waiver would further the purpose of the revitalization of the area.
- e. **Driveways.** Residential driveways shall be subject to the following:
  - i. **Individual Driveways.** Residential driveways shall be in compliance with Section 16.36.030(C)(2) (Driveways—Residential).
  - ii. **Common Driveways.** Common driveways for less than eight (8) residential units shall be at least 25 feet in width. A reduction in the width of the driveway may be granted by the City Engineer, provided:
    - (1) The common driveway is at least 20 feet in width; and
    - (2) At least 25 feet is provided for backing out from individual driveways.
- 2. **Single-Unit Projects.** In addition to the above requirements, covenants, conditions, and restrictions (CC&Rs) shall be required for all single-unit subdivisions of five (5) or more lots.
- 3. **Multi-Unit Projects.** In addition to the above requirements, multi-unit projects shall be subject to the following:
  - a. **Development Standards.**
    - i. **Landscaping.**
      - (1) **Requirements.** All front, rear, and side yards along the street side shall be landscaped in compliance with Section 16.56.040 (Landscape standards). The

landscaping shall be maintained by the owners, developers, and/or successors-in-interest.

(2) Plans.

(a) A comprehensive landscape and irrigation plan shall be submitted with the site plan for approval by the Director; and

(b) If there are common areas, a landscape and maintenance plan shall be provided.

ii. Fencing. Any necessary fencing shall be provided in compliance with the use permit for the project.

iii. Lighting. Safety and security lighting shall be provided for parking areas and the lighting for parking areas and buildings shall not reflect on adjacent residential properties and shall be confined to ground lighting wherever possible.

iv. Refuse Disposal. The refuse collection areas shall be clearly designated on the site plan. Refuse areas shall be clearly accessible for pickup and shall be effectively screened from public view in compliance with Section 16.36.130 (Solid waste/recyclable materials storage). Waste disposal pickup bins (dumpsters) shall not occupy any required parking spaces nor intrude into required access driveways.

b. Management/Maintenance Agreement. A management/maintenance agreement shall be required for all multi-unit projects.

B. Nonresidential, Multi-Use, and Live-Work Projects.

1. Density. The density for residential units in multi-use and live-work projects shall not exceed the General Plan density, except that:

a. A 30 percent increase may be approved by the Director.

b. A density bonus increase may be allowed for projects meeting the provisions for a density bonus in compliance with Chapter 16.40 (Affordable Housing Incentives/Density Bonus Provisions).

2. Setback Requirements.

- a. **Primary Structure.**
    - i. **Blockfaces with Existing Structures.**
      - (1) **Commercial and Multi-Use Projects.** The primary structure for a commercial project in a commercial zoning district or multi-use project in any zoning district may be located at the property line provided:
        - (a) There is at least 20 feet between that structure and any off-site residential structure; and
        - (b) The location of the building is in compliance with the requirements for traffic sight areas (Section 16.36.140).
      - (2) **Other Projects.** For all other nonresidential projects, the setbacks for the primary structure shall be no greater than, nor no less than, the minimum and maximum setbacks of the existing structures on the blockface on which the infill site is located, and shall be the same or greater than the front setbacks of the buildings on either side of the project.
    - ii. **Blockfaces without Existing Structures.** If there are no existing structures on the blockface proposed for an infill project, the setbacks shall be determined by the Review Authority, to be:
      - (1) Those of the zoning district in which the project is located; or
      - (2) Those of the structures on the opposite side of the street.
  - b. **Accessory Structures.** Accessory structures shall be in compliance with Section 16.36.035 (Accessory structures).
3. **Height Limits.**
  - a. **Primary Structure.** The height of the primary structure shall be in compliance with the height requirements for the zoning district, except that the height may be increased:
    - i. To the height of the highest structure on the blockface; or
    - ii. By 25 percent if it is in keeping with the character of the blockface as determined by the Review Authority.



- b. Accessory Structures. The height of an accessory structure shall be in compliance with Section 16.36.035 (Accessory structures).
  - 4. Parking Requirements. The number of parking spaces required shall be in compliance with Chapter 16.64 (Off-Street Parking and Loading Standards), except a waiver of the parking requirements may be granted by the Review Authority, if:
    - a. Existing physical constraints on the site limit the amount of parking that can be provided; and
    - b. The granting of the waiver would further the purpose of the revitalization of the area.
  - 5. Landscaping. Landscaping shall be provided in compliance with Chapter 16.56 (Landscaping Standards). If there are common areas, a landscape and maintenance plan shall be provided.
  - 6. Driveways. Nonresidential driveways shall be subject to the standards for urban driveways in compliance with Section 16.36.030(C)(3) (Driveways—Nonresidential).
- c. Adaptive Reuse Projects (Greater Downtown and Downtown Core).
  - 1. Intent. The intent of adaptive reuse is to allow conversion of existing structures into new land uses that maintain or enhance the character of a neighborhood or district, extend the life of the building, reduce use of new construction materials, reduce construction waste generated, and provide additional employment or housing opportunities in appropriate and compatible locations.
  - 2. Uses. Notwithstanding the nonconforming provisions of Chapter 16.228, an adaptive reuse project may change the use of an existing building to any use permitted by the underlying zoning district.
  - 3. Commission Use Permit. Any use that is not ordinarily permitted, or conditionally permitted, within the underlying zoning district, may be requested by submittal of a commission use permit application, pursuant to the purpose, findings and conditions expressed in Chapter 16.168, in addition to the following findings:
    - a. Use of the building is for a purpose other than that for which it was originally designed, and in a manner that would not normally be

permitted within the underlying zoning district, and is necessary to enhance the economic viability of retaining the building and its notable characteristics in a manner that ensures the continued maintenance of the building; and

- b. Any alterations to the building that are necessary to accommodate the adaptive reuse of the building shall be designed and completed in a manner consistent with the Secretary of Interior's Standards for Rehabilitation and shall be subject to any discretionary approvals required pursuant to Title 16 of the Stockton Municipal Code.
- 4. **Setbacks.** Existing principal structures with non-conforming setbacks may remain. Any additions or façade changes involving greater than 25 continuous linear feet of exterior wall facing a public right-of-way shall comply with zoning setbacks, unless waived by the Director.
- 5. **Height.** Heights of existing buildings shall be exempt from established height limits. The addition of parapets or roof structures, equipment or other enclosures or non-habitable space is allowed. Any new habitable space or floors shall comply with height limits of the underlying zoning district, unless waived by the Director.
- 6. **Existing Parking.** The overall number of existing parking spaces on-site shall be maintained, unless a reduction is appropriate per Chapter 16.64. A reduction in existing parking for the purpose of providing required ADA parking and access may be allowed by the Director.
- 7. **Required Parking.**
  - a. No additional on-site parking shall be required for conversion to residential uses unless the floor area is increase exceeds 25 percent, then required parking standards based on the use apply.
  - b. Total parking for non-residential uses shall be the lesser of the underlying zoning district or one space per every 1,000 square feet of usable internal space.
  - c. Tandem parking is allowed for up to 50 percent of provided spaces.
  - d. Shared parking agreements are encouraged for adaptive reuse projects and subject to approval by the Director.
  - e. Any reductions in required parking shall be approved by the Director.

8. Other provisions. Floor area ratio (FAR), landscaping, lot coverage, open space, and any other applicable development standards of the underlying zone will be complied with, unless waived by the Director.

**16.52.040 Design review.**

The design of buildings/structures shall be subject to the Design Review requirements of Chapter 16.120 (Design Review).

**16.52.050 Land use.**

In addition to the land uses allowed in Table 2-2 (Allowable Land Uses and Permit Requirements), infill projects consisting of the land uses in Table 3-6 (Allowable Land Uses and Permit Requirements for Infill Projects) shall be allowed in any zoning district subject to the permit requirements in Table 3-6. In the event of any perceived conflict between the provisions of this section and any other provisions of this Development Code, the most permissive provision shall control.

<b>TABLE 3-6 ALLOWABLE LAND USES AND PERMIT REQUIREMENTS FOR INFILL PROJECTS</b>	
<i>Land Use</i>	<i>Permit Requirement</i>
Single-Unit Dwellings, Detached on blockfaces in which at least 50 percent of the blockface is occupied by existing single-unit homes	P
Single-Unit Dwellings, Detached on blockfaces in which less than 50 percent of the blockface is occupied by existing single-unit homes, except that single-unit homes shall not be allowed in an industrial zoning district or in an area designated as industrial on the General Plan	A
Retail Sales of less than 2,000 square feet	A
Restaurants of less than 3,000 square feet	A
Offices of less than 5,000 square feet	A
Multi-Unit Dwellings	A
General Personal services	A
Banks and financial services of less than 5,000 square feet	A
Artisan manufacturing	A
Live-work space	P
Instructional services	A

(Ord. 023-07 C.S. § 40; prior code § 16-330.050)

### **SECTION XIII: AMENDMENT OF CODE**

Title 16, Division 3, Chapter 16.64, Section 16.64.040 of the Stockton Municipal Code (SMC) is amended to read, as follows:

#### **16.64.040                      Number of parking spaces required.**

Each land use shall provide at least the minimum number of off-street parking spaces, including disabled access spaces required by Section 16.64.070 (Disabled/handicapped parking requirements), below, except where a parking reduction has been granted in compliance with Section 16.64.050 (Adjustments to off-street parking requirements). Additional spaces may be required through approval of a discretionary permit.

A.        Expansion/Remodeling of Structure, or Change in Use.

1.        When the use of a structure changes to a use that requires the same number of parking spaces as the immediately previous use:
  - a.        The number of required parking spaces for the new use shall be the same as the requirement for the previous use, regardless of the number of spaces actually provided by the previous use, provided that:
    - i.        The previous use was legally established; and
    - ii.       No spaces were eliminated by the previous use.
  - b.        Uses that were located in zones which did not allow the overnight parking of vehicles before the adoption of this Development Code, may have company-owned vehicles parked on their premises, provided the parking is in compliance with subsection G of this section (Company-owned vehicles).
2.        When a structure is enlarged or increased in capacity, or when a use is changed to one that requires more off-street parking than the existing or previous use:
  - a.        Only the number of parking spaces required for the addition needs to be provided; or
  - b.        The difference in the required number of parking spaces for the new use and the existing use only needs to be provided.

3. When a structure (or a portion of a structure) is intentionally demolished, any new use or structure shall provide the number of parking spaces required by this chapter.
  4. Additional parking spaces shall not be required for an addition to a structure made solely for the purpose of increasing access for disabled persons.
- B. Residential Uses. Residential uses shall provide parking in compliance with Table 3-9 (Parking Requirements by Land Use).
1. Conversion of a garage for a single-unit residence is permitted in accordance with Section 16.80.310 (Accessory Dwelling Units).
  2. A single-unit use that does not conform to the provision of this chapter shall be brought into compliance at the time additions or alterations to the primary structure are made that cumulatively increase the existing floor area (habitable space) by more than 50 percent, unless waived under Section 16.64.050(B) (Reduction or waiver of parking requirements).
  3. Enclosed tandem parking spaces may be permitted to meet the parking requirements in Table 3-9 (Parking Requirements by Land Use) in those cases in which:
    - a. The configuration of an existing site would not allow a two (2) car garage, as determined by the director; or
    - b. A proposed development would be located on a lot that is less than 5,000 square feet and has a frontage of less than 50 feet.
  4. Required garages shall have an unrestricted interior of at least:
    - a. Two (2) car garages: 18 feet by 19 feet;
    - b. Single-car garages: Nine (9) feet by 19 feet; or
    - c. Tandem parking garages: Nine (9) feet by 36 feet.
  5. Parking spaces required in compliance with Table 3-9 (Parking Requirements by Land Use) that are not required to be covered or enclosed shall be located:
    - a. Outside the required setback area; and
    - b. So as to not interfere with the ingress and egress from the other required parking spaces.

- C. **Freeway-Oriented Uses.** Uses that are intended to serve the motoring public (e.g., lodging facilities, service stations, truck stops, mini-marts, restaurants, and similar freeway-oriented uses) that are located within 500 feet of the freeway right-of-way and 500 feet from the right-of-way of the road intersecting the freeway shall provide designated spaces for the parking of commercial trucks with trailers, large recreational vehicles, and vehicles pulling trailers.

1. **General Requirements.**

- a. **Circulation.** A percentage of parking spaces for large vehicles in compliance with Table 3-8 (Parking Requirements for Freeway-Oriented Use) shall be designed to be pull-through so that vehicles exit the space in a forward direction. On-premises circulation shall provide for exiting of the site to the public right-of-way in a forward direction.
- b. **Modification of Requirements.** The Director shall have the authority to modify these requirements for uses and locations that do not require the parking of large vehicles and vehicles pulling trailers.

2. **Specific Requirements.**

- a. **Parking for large vehicles, recreational vehicles, and vehicles pulling trailers** shall provide parking for each identified freeway use as required in Table 3-8 (Parking Requirements for Freeway-Oriented Uses).

<b>TABLE 3-8 PARKING REQUIREMENTS FOR FREEWAY-ORIENTED USES</b>		
<i>Type of Requirement</i>	<i>Truck Stops</i>	<i>Other</i>
Percentage of pull-through spaces required	80%	5%
Dimensions	10 ft. x 80 ft.	10 ft. x 60 ft.

- b. These spaces shall be clearly marked for “recreational vehicles, large vehicles, or vehicles with trailers only.”
- c. A clearing height of 12 to 14 feet shall be provided.
- D. **Uses Not Listed.** The parking requirement for any use not listed in Table 3-9 shall be determined by the Director based upon the requirements for the most similar

comparable use, the particular characteristics of the proposed use, and any other relevant data regarding parking demand.

- E. Rounding of Quantities. When calculating the number of parking spaces required, space requirements greater than one-half shall be rounded up to the nearest whole number and requirements of less than one-half shall be eliminated.
- F. Fixed Seating. Where fixed seating is provided in the form of benches or bleachers, a seat shall be defined as 24 inches of continuous bench space for the purpose of calculating the number of required parking spaces.
- G. Company-Owned Vehicles. The number of parking spaces required by this chapter, does not include spaces needed for the parking of company-owned vehicles. Parking spaces to accommodate company-owned vehicles shall be provided in excess of the requirements for a particular land use.
- H. PT (Port) Zoning District. Parking shall be in compliance with the PT (Port) zoning district in compliance with Section 16.24.150 (PT (Port) zoning district standards) or the Rough and Ready Island Development Plan for the Port of Stockton, California (Development Plan) as applicable.
- I. Parking Requirements by Land Use. Each land use shall be provided the minimum number of parking spaces required by Table 3-9. Additional spaces may be required through discretionary permits.

TABLE 3-9 PARKING REQUIREMENTS BY LAND USE		
	Number of Spaces Required	
AGRICULTURAL AND RESOURCE-RELATED USES		
Uses	Gross Floor Area Space(s)/sq. ft.	Other/Additional Spaces
Agricultural activities and facilities	None	
Cannabis cultivator operator	1/2,000	1/2,000 for storage, employee break rooms, equipment rooms, offices, and circulation corridors
Conservation area	Per land development permit	
Mining	Per use permit	
BUSINESS AND PROFESSIONAL USES		
Uses	Gross Floor Area Space(s)/sq. ft.	Other/Additional Spaces
The following business uses listed on Table 2-2:	1st 50,000 sq. ft.—1/200	-

**TABLE 3-9 PARKING REQUIREMENTS BY LAND USE**

	Number of Spaces Required		
Banks and financial services Business support services Offices	Portion over 50,000 sq. ft.—1/500	-	
INDUSTRIAL USES			
Uses	Gross Floor Area Space(s)/sq. ft.		Other/Additional Spaces
All uses listed under "Industrial Uses" on Table 2-2, except for the following:	Up to 50,000 sq. ft. of floor area— 1/ 500	Offices/sales over 5,000 sq. ft.— 1/250 sq. ft.	
	50,001 to 100,000 sq. ft.—100 spaces plus 1/1,000 for area over 50,000 sq. ft.		
	100,001 to 500,000 sq. ft.— 150		
Cannabis distributor operator	1/2,000	Offices over 5,000 sq. ft. – 1/250	
Cannabis manufacturer (volatile and non-volatile)	1/2,000	Offices over 5,000 sq. ft. – 1/250	
Cannabis microbusiness (by subtype)		*1/2,000 for storage, employee break rooms, equipment rooms, offices, circulation corridors, cultivation and manufacturing areas	
RDC	1/250"		
RDM	1/250"		
RCM	1/250"		
DCM	1/2,000*		
Cannabis testing laboratory	1/1,000	Offices over 5,000 sq. ft. – 1/250	
Laundries and dry cleaning plants	1/1,000	Offices over 5,000 sq. ft. – 1/250	
Research and development (R&D)	1/500	Offices/sales over 5,000 sq. ft.— 1/250 sq. ft.	
Contractor shops and yards	————	2/facility + 1/250 sq. ft. of office	
Warehouses	1st 500,000 sq. ft. of floor area— 1/ 2,000	Offices/sales over 5,000 sq. ft.— 1/250 sq. ft.	
	Portion over 500,000— 1/4,000		
Wholesaling and distribution	1st 500,000 sq. ft. of floor area— 1/ 2,000	Offices/sales over 5,000 sq. ft.— 1/250 sq. ft.	
	Portion over 500,000— 1/4,000		
RECREATION, EDUCATION, AND PUBLIC ASSEMBLY USES			
Uses	Gross Floor Area Space(s)/sq. ft.	Fixed Seats (24" = 1 seat)	Other/Additional Spaces



**TABLE 3-9 PARKING REQUIREMENTS BY LAND USE**

	<i>Number of Spaces Required</i>		
All uses listed under "Public/Semi-Public, Recreational, and Institutional Uses" on Table 2-2, except for the following or otherwise listed in this table	1/50	OR 1/4	_____
Auditoriums, meeting halls, and theater			
Cinemas	_____	1/4	4/screen
Bridge clubs and non-gambling board games	_____	_____	4/table
Card rooms/poolhalls/billiard parlors			
Card rooms	_____	_____	4/table
Poolhalls	_____	_____	2/table
Commercial amusement facilities	1/250		_____
Dancehalls—Dance floor areas	1/50		_____
Educational facilities			
Colleges and universities	_____	_____	1/classroom + 0.75 per each student in the largest shift on site at one time
Public and private elementary and secondary schools	_____	_____	2/classroom
Public and private high schools	_____	_____	2/classroom + 1/6 per each student in the largest shift on site at one time
Equipment repair and maintenance training; vehicle repair and maintenance training	_____	_____	2/classroom + 1 per each student in the largest shift on site at one time
Specialized education and training; vocational and technical schools	_____	_____	2/classroom + 1 per each student in the largest shift on site at one time
Equestrian facilities	_____	_____	1/5 horses
Golf courses/country clubs	_____	_____	6/hole + 1 per clubhouse/ ancillary over 3,000 sq. ft.
Golf driving ranges	_____	_____	1/tee
Indoor recreation facilities			
Bowling alleys	_____	_____	4/lane + ancillary
Skating	1/100 of rink area	_____	

**TABLE 3-9 PARKING REQUIREMENTS BY LAND USE**

	Number of Spaces Required		
Tennis/racquet ball/handball or other courts	_____	_____	3/court + ancillary
Libraries and museums	1/500	_____	
Marinas	_____	_____	1/2 berths + ancillary
Dry storage	_____	_____	0.75/boat space
Outdoor assembly facility	Per use permit	_____	
Outdoor commercial recreation facilities	_____	_____	Per use permit
Parks and playgrounds	_____	_____	Per director
Recreational vehicle parks	_____	_____	2 for manager + 4 for employee/guests
Studios	1/250	_____	
RESIDENTIAL			
Uses	Space(s)/Unit or other criteria		Guest Parking
Caretaker and employee housing	1 covered/unit		_____
Duplexes	1 covered/unit, except in the Downtown Core, ½/unit		_____
Cottage Court	1/unit		_____
Mobilehome parks	1/mobilehome		1/4 units
Multi-unit dwellings	1/unit		1/4 units
Greater Downtown	½/unit		_____
Downtown Core1	½/unit		_____
Affordable housing	½/unit		1/8 units
Organizational houses	1/3 occupants		1/6 occupants
Residential care facilities			
All, except care homes (6 or fewer)	1/5 beds		1/10 beds
Family Care Homes, 7 or more	2/house in enclosed garage		1/10 beds
Rooming and boarding houses	1/3 occupants		_____
Senior residential projects	½/2 units		1/10 units
Single-unit dwellings	2/house in enclosed garage		_____
Townhouses	1 covered/unit, except in the Downtown Core, ½/unit		_____

**TABLE 3-9 PARKING REQUIREMENTS BY LAND USE**

	<i>Number of Spaces Required</i>	
Triplexes	1/unit, except in the Downtown Core, ½/unit	_____
Fourplexes	1/unit, except in the Downtown Core, ½/unit	_____
<b>RETAIL TRADE</b>		
<i>Uses</i>	<i>Gross Floor Area Space(s)/sq. ft.</i>	<i>Other/Additional Spaces</i>
All uses listed under "Commercial, Business, and Service Uses" on Table 2-2, except for the following, or otherwise listed in this table:	1/250	_____
Alcoholic beverage sales		
Bars and nightclubs with dancing or live entertainment	1/150	_____
Auto and vehicle sales—New	1/2,000 sq. ft. of outdoor sales and storage area	
Auto and vehicles sales—Used	1/2,000 sq. ft. of outdoor sales and storage area	
Auto and vehicle leasing/rental	1/2,000 sq. ft. of outdoor sales rental and storage area	
Convenience stores	1/150	_____
Furniture, furnishings, and appliance stores	1st 5,000 sq. ft.—1/500 Over 5,000 sq. ft.—1/1,000	_____
Nurseries and garden supply stores	1/250	1/2,000 sq. ft. outdoor sales and storage
Restaurants		
Table service	1/200	_____
Fast food/take out	1/100	_____
With dancing or live entertainment	1/150	
Shopping centers		
Regional (400,000 sq. ft. or more)	1/200 up to 400,000 sq. ft. + 1/250 over 400,000	_____
<b>SERVICES</b>		
<i>Uses</i>	<i>Gross Floor Area Space(s)/sq. ft.</i>	<i>Other/Additional Spaces</i>
	1st 50,000 sq. ft.—1/200	_____

**TABLE 3-9 PARKING REQUIREMENTS BY LAND USE**

	<i>Number of Spaces Required</i>	
All uses listed under "Commercial, Business, and Service Uses" on Table 2-2, except for the following or otherwise listed in this table:	Over 50,000 sq. ft.—1/500	
Adult day care facilities	1/500	2 spaces for drop off
Animal services		
Kennels and boarding facilities	1/500	1/800 boarding area
Grooming	1/400	_____
Training facilities	1/500	_____
Auto/vehicle services		
Car washes—Full service	_____	3 spaces/wash lane; Separate parking for ancillary uses
Car washes—Self-service	_____	1 space
Fueling stations	1/400	_____
Inoperable vehicle storage	_____	2/facility
Maintenance/minor repair	1/400	_____
Major repair/body work	1/400	_____
Parking facilities, public	_____	None
Vehicle storage, other than marinas	1/200 of office	2/facility
Auto rental	1/400	1/rental space
Cannabis retailer – non-storefront (delivery only)	1/250	1/2,000 for storage, employee break rooms, equipment rooms, offices, and circulation corridors
Cannabis retailer – storefront	1/250	1/2,000 for storage, employee break rooms, equipment rooms, offices, and circulation corridors
Child care		
Child day care centers	_____	1/employee + drop-off space
Large family child care homes	_____	Per Section 16.80.100
Small family child care homes	_____	_____
Equipment rental	1/250	_____
Funeral services		
Cemeteries	_____	Per use permit

**TABLE 3-9 PARKING REQUIREMENTS BY LAND USE**

	<i>Number of Spaces Required</i>	
Mortuaries	1/50	OR 1/4 fixed seats
Crematorium	1/50	OR 1/4 fixed seats
Health/fitness facilities	1/250	Ancillary activities as otherwise designated
<b>Lodging facilities</b>		
Bed and breakfast	_____	1/room + 1 for manager
Extended-stay facilities	_____	1/guest room + 4 + ancillary
Co-living (lodging facility)	_____	1/2-space/guest room
Single room occupancy facilities (SRO)	_____	1/2-space/guest room
Hotels and motels	_____	1/guest room + 4 + ancillary
<b>Medical Services</b>		
Extended care	_____	1/2-space/bed
Hospitals	_____	2/bed
<b>Personal services</b>		
Restricted	1/250	_____
Unrestricted	1/250	_____
Repair services	1/250	_____
Social services facilities	_____	Per use permit
Transitional housing		1/2 beds
<b>Storage facilities</b>		
Personal storage facilities (mini-storage)	_____	4 spaces
<b>TRANSPORTATION, COMMUNICATION, AND UTILITY USES</b>		
<i>Uses</i>	<i>Indoor Gross Floor Area Space(s)/sq. ft.</i>	<i>Other/Additional Spaces</i>
Broadcasting studios	1/200 indoor space	_____
Communication facilities	_____	1 space
Transit stations and terminals	1/250 indoor space	
Vehicle and freight terminals	1/250 indoor space	1/bay
<b>OTHER USES</b>		
<i>Uses</i>	<i>Gross Floor Area Space(s)/sq. ft.</i>	<i>Other/Additional Spaces</i>

<b>TABLE 3-9 PARKING REQUIREMENTS BY LAND USE</b>		
	<i>Number of Spaces Required</i>	
Live/work facilities	_____	2 covered/unit + 1/unit for customer or guest
Major impact facilities	_____	Per use permit
Motion picture production	1/500 indoor space	Ancillary use requirements
Multi-use facilities	_____	Aggregate of requirements for specific uses in the multi-use
Public institutions	1/200	_____
Public and semi-public utility facilities	_____	1 space
Signs-Off premises	_____	
Transit-Oriented Development	No minimum if within ¼ mile of station	
<b>Notes</b> 1. Exemptions for parcels within a parking assessment district per Section 16.64.060		

(Ord. 2020-12-01-1502 C.S. § 20; Ord. 2019-07-16-1504 C.S. § 5; Ord. 2019-03-05-1501 C.S. § 5; Ord. 011-11 C.S. § 1, eff. 10-27-11; Ord. 015-09 C.S., eff. 12-3-09; Ord. 001-08 C.S. § 8; Ord. 023-07 C.S. §§ 44, 45; prior code § 16-345.040)

## **SECTION XIV: AMENDMENT OF CODE**

Title 16, Division 3, Chapter 16.64, Section 16.64.110 of the Stockton Municipal Code (SMC) is amended to read, as follows:

### **16.64.110 Off-street loading space standards.**

- A. Number of Loading Spaces Required. Nonresidential uses with less than 5,000 square feet of gross floor area shall provide one (1) off-street loading space, which may be combined with an off-street parking space. Nonresidential uses with 5,000 square feet of floor area or more shall provide off-street loading space(s) in compliance with Table 3-11. Requirements for uses not specifically listed shall be determined by the Director based upon the requirements for comparable uses and upon the particular characteristics of the proposed use.

<b>TABLE 3-11 REQUIRED LOADING SPACES</b>		
<i>Type of Land Use</i>	<i>Total Gross Floor Area</i>	<i>Loading Spaces Required</i>
Manufacturing, research and development, institutional, and service uses	10,000—30,000 sq. ft.	One
	30,001 + sq. ft.	One for each additional 20,000 sq. ft., plus additional as required by Director.
Office uses	35,000 to 70,000 sq. ft.	One
	70,001 + sq. ft.	One for each additional 35,000 sq. ft., plus additional as required by Director.
Commercial and other allowed uses	10,000 to 20,000 sq. ft.	One
	20,001 + sq. ft.	One for each additional 10,000 sq. ft., plus additional as required by Director.

- B. **Development Standards for Off-Street Loading Areas.** Off-street loading areas shall be provided in the following manner:
1. **Dimensions.** Loading spaces shall be not less than 10 feet in width, 25 feet in length, with 14 feet of vertical clearance;
  2. **Lighting.** Loading areas shall have lighting capable of providing adequate illumination for security and safety. Lighting sources shall be shielded to prevent light spill beyond the property line. Lighting standards shall be energy-efficient and in scale with the height and use of adjacent structure(s). Lighting shall meet the requirements for light and illumination (Section 16.36.095);
  3. **Plans.** Plans for loading ramps or truck wells shall be accompanied by a profile drawing showing the ramp, ramp transitions, and overhead clearances;
  4. **Location.** Loading spaces shall be located and designed as follows:
    - a. As near as possible to the main structure and limited to the rear two-thirds of the parcel, if feasible,

- b. Situated to ensure that the loading facility is screened from adjacent streets as much as possible,
  - c. Situated to ensure that loading and unloading takes place on-premises and in no case within adjacent public rights-of-way or other traffic circulation areas on-premises,
  - d. Situated to ensure that vehicular maneuvers occur on-premises, and
  - e. Situated to avoid adverse impacts upon neighboring residential properties;
5. Screening. Loading areas abutting residentially zoned parcels shall be screened in compliance with Section 16.36.100 (Screening and buffering); and
  6. Striping. Loading areas shall be striped indicating the loading spaces and identifying the spaces for “loading only.” The striping shall be permanently maintained by the property owner/tenant in a clear and visible manner at all times.
  7. Downtown and the Magnolia Historic District. New construction in the downtown or Magnolia historic district shall provide off-street loading spaces in compliance with this section. The use or reuse of an existing structure shall not require any additional off-street loading spaces. (Ord. 2020-12-01-1502 C.S. § 25; prior code § 16-345.110)

## **SECTION XV: AMENDMENT OF CODE**

Title 16, Chapter 16.68 of the Stockton Municipal Code (SMC) is amended to read, as follows:

### **Chapter 16.68 Planned Development (Permit) Standards**

#### **16.68.010 Purpose.**

The purpose of this chapter is to provide standards for applicants that desire to develop under the provisions of planned development permits (Chapter 16.144). The standards in this chapter are intended to promote quality design and innovative site planning consistent with the goals and policies of the General Plan. The planned development



standards promote high quality development that incorporates amenities beyond those expected under conventional development, to achieve greater flexibility in design, to encourage well-planned projects through creative and imaginative planning, and to provide for the appropriate use of land that is sufficiently unique in its physical characteristics or other circumstances to warrant special consideration of development standards. (Prior code § 16-350.010)

#### **16.68.020                    Applicability.**

The provisions of this chapter apply to development in any zoning district in compliance with the application requirements in Chapter 16.144 (Planned Development Permits). Strict compliance with the purpose and intent of the General Plan shall be required, and only uses allowed in the zoning district for which the planned development is proposed shall be allowed. (Prior code § 16-350.020)

#### **16.68.030                    Development standards.**

- A.     General Standards for All Projects. The following development standards shall apply to all developments subject to a planned development permit.
  - 1.     Size. A minimum site of two (2) acres, exclusive of public rights-of-way, shall be required. This requirement may be waived or reduced by the Commission, or on appeal by the Council, if the approving body finds that the waiver is necessary in order to achieve a superior project given the unique attributes of the site, its setting, or surrounding conditions, and that the project will meet the purpose and intent of this chapter.
  - 2.     Application to Site. A planned development permit may apply to a site that consists of more than one (1) parcel, provided the original parcels are contiguous to one another and not separated by a major collector or minor/major arterial street.
  - 3.     Setback Requirements. Structure setbacks, with the exception of outer perimeter front, side, and rear side yard setback provisions for perimeter landscaping may deviate from the setback standards identified in this Development Code and shall conform to the approved planned development permit.
  - 4.     Site Coverage. The site coverage for residential or nonresidential zoning districts may deviate from the standards of this Development Code.

5. Frontage and Area Requirements. The frontage and area per lot requirements for residential and nonresidential zoning districts may deviate from the regulations of this Development Code.
6. Height Limits. The height of structures may deviate from the height standards of this Development Code, provided that any nonresidential structure adjacent to a residential zone is set back a distance equal to the height of the nonresidential structure from the property line between the parcels.
7. Open Space Requirements. In addition to the requirements for residential and nonresidential, below, the following open space requirements apply to all planned development permits:
  - a. Open space shall be designed as a major element of the project;
  - b. Open space shall be located to take advantage of, and to help preserve, existing natural amenities (e.g., trees, topographic features, waterways, and views);
  - c. Open space shall generally be clustered to create larger scale open spaces, but shall also be used to buffer incompatible uses and to provide corridors of space around and within developed areas to achieve a spacious character and convenient linkage to all parts of the site;
  - d. All landscaped areas shall be designed, installed, and irrigated in compliance with Chapter 16.56 (Landscaping Standards);
  - e. Open space areas shall not include streets, whether public or private, off-street parking or landscaping required for the parking lot, access drives, loading areas, or area(s) covered by structures;
  - f. The location of all open space, including any off-premises locations, shall be identified on appropriate plans; and
  - g. The Commission may modify any open space requirement (subsection(B)(3) of this section (Residential projects—Common open space requirements) and subsection (C)(2) of this section (Nonresidential projects—Common open space requirements)) after considering the general purpose and nature of the project. If the open space requirement is modified, another amenity(s) shall be provided

(subsection (B)(4) of this section (Residential projects—Amenities) and subsection (C)(3) of this section (Nonresidential projects—Amenities)).

8. Maintenance of Common Areas. The applicant shall provide for the permanent maintenance of all common area(s), including open space areas, within the development. The applicant shall provide the following:
  - a. A plan showing all common areas and areas to be dedicated to/for public and/or private use; and
  - b. If the development consists of:
    - i. Only one (1) parcel, a plan for maintenance, or
    - ii. More than one (1) parcel, a plan for maintenance and a mandatory homeowners' association to provide permanent maintenance of the common area. If the homeowners' association defaults, the City reserves the right to form a mandatory maintenance district.
9. Limitations. The Commission shall have the authority to define and limit the requirements for each approved land use within the area covered by the approved planned development permit.
10. Distinct. All standards apply to each individual planned development permit, and off-site improvements and amenities cannot be used to meet any of the requirements for a specific, individual planned development permit.
11. Requirements and Standards. Unless clearly stated otherwise in the approved planned development permit, the provisions, regulations, requirements, and standards governing the development and on-going operation of the site covered by the planned development permit shall be in compliance with this Development Code.
12. Development Phasing. If the project would be phased, the applicant shall submit a schedule indicating the development schedule for the project, including open space and amenities.
  - a. Projects developed in phases shall be designed so that each successive phase would contain open space and amenities to independently qualify under the provisions of subsection (A)(7) (Open space requirements).

- b. If the proposed project would be developed with a series of planned development permits for smaller areas within the site, a master planned development permit shall be prepared for the site. It shall show the location and type of open space and amenities and the location and type of development to be proposed.
- B. Residential Projects. In addition to the general standards listed above, the following standards shall apply to residential projects:
  - 1. Housing Types and Number. The type of housing allowed in a planned development may include a variety of housing types, including single-unit dwellings, duplexes, triplexes, townhouses, and multi-unit. The number of allowable dwelling units on each parcel may exceed the number allowed within the specific zoning district as identified in Chapter 16.24 (Zoning District Development Standards), provided:
    - a. Multiple Parcels. In the case of multiple parcels, that the number of units in the entire project does not exceed the maximum allowable density for the zoning district as identified in Chapter 16.24; or
    - b. Two (2) or More Zoning Districts. If the site contains two (2) or more residential zoning districts, that the number of units in the entire project does not exceed the maximum cumulative number of dwelling units permitted for the entire project.
  - 2. Parking Requirements. Parking shall comply with the required parking standards in Chapter 16.64 (Off-street Parking and Loading Standards). Projects consisting of both residential and nonresidential uses may deviate from parking standards.
  - 3. Landscape and Common Open Space Requirements. At least 20 percent of the gross property area shall be reserved for, and devoted to, landscaped areas and useable common open space area(s), (e.g., greenbelts, lawns, riparian corridors, and pedestrian trails), excluding public parks. The required maintenance entity shall only be required to maintain the landscape and open space areas that are required for the project by this Development Code.
  - 4. Amenities. One (1) or more amenities shall be provided with each project subject to a planned development permit. Examples of amenities that may be provided include recreation facilities, community meeting halls, parks

and play fields, tot lots, swimming pools, enhanced right-of-way treatments, special identity architectural elements, water features, and similar amenities of a permanent nature.

5. Accessory Uses. Accessory commercial and service uses limited to no more than 10 percent of the project may be a component of a residential planned development project to provide daily necessities. Uses allowed include beauty/barber shops, postal facilities, quick copy shops, general stores, drug store/pharmacy, or other uses clearly intended for the convenience of residents.
  6. Maintenance. The developer of a residential project shall establish a homeowner's association for the purpose of maintaining common areas and enforcing the CC&Rs.
- C. Nonresidential Projects. In addition to the general standards provided in subsection A of this section (General standards for all projects), the following standards shall apply to nonresidential projects.
1. Parking Requirements. The number and design of off-street parking areas may deviate from the parking standards identified in this Development Code.
  2. Common Open Space Requirements. At least 20 percent of the gross property area in all nonresidential developments shall be reserved for, and devoted to, landscaped and useable pedestrian-oriented open space area(s). Open spaces may include courtyards, landscaped gardens, outdoor dining areas, plazas, and water features; but shall not include parking.
  3. Amenities. One (1) or more amenities shall be provided with each project subject to a planned development permit. Examples of amenities that may be provided include community facilities (e.g., community center, post office), public plazas with enhanced pedestrian amenities, (e.g., water features, seating, landscaping), vehicle and/or pedestrian connections to adjacent uses/neighborhoods, unique architectural features (e.g., clock tower), water fountains, and similar amenities of a permanent nature.
  4. Signs. All nonresidential signs shall be part of a comprehensive sign program in compliance with Section 16.76.050 (Comprehensive sign program).

5. Accessory Uses. Accessory commercial and service uses limited to no more than a total of 20 percent of the project may be a component of an industrial planned development project to provide convenience items and services. Uses allowed include beauty/barber shops, postal facilities, quick copy shops, general stores, drug store/pharmacy, eating establishments, banking facilities, or other uses clearly intended for the convenience of area workers. (Ord. 015-09 C.S., eff. 12-3-09; Ord. 023-07 C.S. §§ 51—53; prior code § 16-350.030)

## **SECTION XVI: AMENDMENT OF CODE**

Title 16, Division 3, Chapter 16.72 of the Stockton Municipal Code (SMC) is amended to read, as follows:

### **Chapter 16.72 Public Improvements**

#### **16.72.080 Subdivision design and improvement requirements.**

- A. Applicability of Design and Improvement Standards. The requirements of this chapter apply to subdivisions and single-lot development, in addition to all applicable requirements of this Development Code, as follows:
  1. Extent of Required Improvements. All subdivisions shall provide the improvements required by this chapter, and any additional improvements required by conditions of approval.
  2. Applicable Design Standards, Timing of Installation. The subdivider shall construct all on- and off-site improvements according to standards approved by the City Engineer. No final map shall be presented to the Council or parcel map for four (4) or fewer parcels to the City Engineer for approval until the subdivider either completes the required improvements, or enters into an agreement with the City for the work.
  3. Subdivision Improvement Standards—Conditions of Approval. The applicable subdivision improvement and dedication requirements of this chapter and any other improvements and dedications required by the Review Authority in compliance with Section 16.188.050 (Review and

decision), shall be described in conditions of approval adopted for each approved tentative map (Section 16.188.070). The design, construction or installation of all subdivision improvements shall comply with the requirements of the City Engineer.

4. **Conflicting Provisions.** In the event of any conflict between the provisions of this chapter and other provisions of this Development Code, or other provisions of the Municipal Code, the most restrictive provisions, as interpreted by the Director, shall control. In the event of any conflict between the provisions of this chapter and the Map Act, the Map Act shall control, as interpreted by the Development Review Committee (DRC).
  5. **Limit to Required Improvements—Four (4) or Fewer Parcels.** As required by Map Act Section 66411.1, improvements required for subdivisions of four (4) or fewer parcels shall be limited to the dedication of rights-of-way, easements, and the construction of reasonable offsite and onsite improvements for the parcels being created.
  6. **Oversizing of Improvements.** At the discretion of the Review Authority, improvements required to be installed by the subdivider for the benefit of the subdivision may also be required to provide supplemental size, capacity, number, or length for the benefit of property not within the subdivision, and may be required to be dedicated to the City, in compliance with Article 6, Chapter 4 of the Map Act. In the event that oversizing is required, the City shall comply with all applicable provisions of Map Act Sections 66485 et seq., including the reimbursement provisions of Map Act Section 66486.
- B. **Monuments.** The subdivider shall install monuments in compliance with Chapter 16.208 (Surveys and Monuments), and the Map Act.
- C. **Parcel and Block Design.** The size, shape, and arrangement of proposed parcels shall comply with this section or with any General Plan policy, applicable specific plan, precise road plan, or master development plan requirements; utility master plans; the City's standards specifications and plans; other provisions of this Development Code; and Municipal Code provisions applicable to a proposed subdivision.
1. **Parcel Area.** The minimum area for new parcels shall be as required by Division 2 (Zoning Districts and Allowable Land Uses), except as otherwise provided by this section.

- a. Calculation of Area. When calculating the area of a parcel to determine compliance with this section, Chapter 16.24 (Zoning District Development Standards), or the General Plan, the following shall be deducted from the gross area of any parcel, regardless of whether they may be used by the general public or are reserved for residents of the subdivision:
    - i. A vehicular or nonvehicular access easement through the parcel; or
    - ii. An easement for an open drainage course, whether a ditch, natural channel or floodway.
  - b. Minimum Lot Area Requirements for Common Interest Projects. The minimum lot area requirements of Division 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Standards) shall not apply to condominiums and condominium conversions, planned developments, townhouses, zero lot line, and similar projects, but shall apply to the creation of the original parcel or parcels that are the location of the common interest development.
2. Frontage. The frontage of new parcels shall comply with the applicable provisions of Division 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards), and the City's standard specifications and plans or as otherwise required by the Review Authority.
3. Parcel and Block Configuration. The layout of proposed parcels and streets shall be designed to use land efficiently, mitigate environmental impacts, and minimize site disturbance in terms of cuts and fills and the removal of significant vegetation. For residential development, the following shall apply:
- a. Double-Frontage Lots. Parcels with streets along more than one (1) side shall be prohibited, unless necessitated by topographical or other physical conditions, and where access to all but one of the roads is prohibited.
  - b. Block Length.
    - i. Residential. The length of a residential block shall not exceed 900 feet.



- ii. Nonresidential. The length of a nonresidential block is not limited.
- 4. Driveway Standards. Proposed parcels shall be designed to accommodate driveways designed in compliance with Section 16.36.030 (Access—General).
- D. Residential Density. The maximum number of dwelling units permitted within a proposed subdivision shall not exceed the density established by the General Plan for the site and the maximum number of dwelling units permitted on a net acre of land by the applicable zoning district by Division 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards). This may be further restricted by considerations of safety, traffic access or circulation, the physical suitability of the site, the nature or extent of existing development, the availability of public facilities, utilities, or open spaces or any other provision of this Development Code.
- E. Wells and Septic Tanks. Any on-site wells and septic tanks shall be abandoned and destroyed before recordation of any final map or parcel map. Standards for abandonment and destruction shall be in compliance with the requirements of the San Joaquin County Department of Environmental Health.
- F. Easements. No permanent structure(s) or utilities shall be allowed in an easement without the express permission of all who have a right to that easement.
- G. Homeowner's Association.
  - 1. The owners, developers, and/or successors-in-interest shall be responsible for the establishment of a Homeowner's Association and covenants, conditions, and restrictions (CC&Rs) for all single-unit subdivisions of five (5) or more lots to maintain all landscaping, structures, and walls/fences on the private properties and common areas within the subdivision area.
    - a. The CC&Rs shall be subject to review and approval by the City Attorney and the Director before their recordation.
    - b. The owners, developers, and/or successors-in-interest shall be responsible for the recordation of the CC&Rs and payment of the recording expenses prior to or in conjunction with the recordation of any final map for the subdivision.

- c. The City shall be declared to be a third-party beneficiary of the CC&Rs and shall be entitled, without obligation, to take appropriate legal action to enforce the CC&Rs.
2. Before the recordation of any small lot final map (or concurrently with the formation of a Homeowner's Association), the owners, developers, and/or successors-in-interest shall establish a maintenance entity acceptable to the City to provide funding for the maintenance of, and if necessary replacement at the end of the useful life of, improvements, including common area landscaping, parks, pocket parks, access lots, landscaping in the right-of-way, streetlights, soundwalls and/or back-up walls, and all "Improvements" serving, or for the special benefit of, this subdivision. (Ord. 015-09 C.S., eff. 12-3-09; Ord. 001-08 C.S. § 16; Ord. 023-07 C.S. § 56; prior code § 16-355.080)

## **SECTION XVII: AMENDMENT OF CODE**

Title 16, Division 3, Chapter 16.80, Section 16.80.020 of the Stockton Municipal Code (SMC) is amended to read, as follows:

### **16.80.020                    Accessory uses.**

This section provides standards for accessory uses.

- A. Residential. Accessory uses shall be incidental to and not alter the residential character of the site.
- B. Nonresidential. Provides standards for accessory uses that may be related to nonresidential uses.
  1. Amusement Devices. Amusement devices, as defined in Division 8 (Glossary), shall only be allowed in compliance with Section 16.80.050 (Amusement devices).
  2. Short-term Accessory Outdoor Sales—Motorized Mobile Sales and Services, Non-Motorized Mobile Sales, and Motorized Food Wagons.

- a. General. All short-term accessory outdoor sales shall comply with the following:
  - i. Be limited to one per parcel and have a floor area that is less than 25 percent of the floor area covered by the primary use;
  - ii. Obtain a valid city business license;
  - iii. If food or drink is served, comply with the requirements of the San Joaquin County Environmental Health Department;
  - iv. If alcohol is served, comply with the requirements of Title 16 and Alcohol and Beverage Control;
  - v. Be located on pavement per City standards;
  - vi. Not utilize, or be located on, parking spaces required for the primary use;
  - vii. Not interfere with access, aisles, circulation, driveways, or fire lanes and shall not operate in a place where the operation will create a traffic hazard;
  - viii. Temporary outdoor sales located within a public park are subject to a special events permit pursuant to Chapter 12.72.
  - ix. Short-term accessory outdoor sales located in the public right-of-way are subject to Title 5.
- b. Motorized Food Wagons. Motorized food wagons, as defined in Division 8, shall be allowed as an outdoor accessory use in a commercial and industrial zoning districts in compliance with the following:
  - i. Be limited to one per parcel and have a floor area that is less than 25 percent of the floor area covered by the primary use;
  - ii. Be accessory to a primary use excluding auto/vehicle services: inoperable vehicle storage, auto/vehicle services: parking facilities, auto/vehicle services: vehicle storage;
  - iii. Use of motorized food wagons during events, shall be permitted subject to Chapter 16.164 (Temporary Activity Permits) or Chapter 12.72 (Special Event Permit).

- iv. Use of a public right-of-way shall be allowed in compliance with Section 5.72.060 of the Municipal Code.
- c. Motorized Sales and Services. Motorized sales and services, as defined in Division 8, shall be allowed as an outdoor accessory use in a commercial and industrial zoning districts in compliance with the following:
  - i. Be limited to one per parcel and have a floor area that is less than 25 percent of the floor area covered by the primary use;
  - ii. Be accessory to a primary use excluding auto/vehicle services: inoperable vehicle storage, auto/vehicle services: parking facilities, auto/vehicle services: vehicle storage;
  - iii. Use of motorized sales and services during events, shall be permitted subject to Chapter 16.164 (Temporary Activity Permits) or Chapter 12.72 (Special Event Permit).
  - iv. Use of a public right-of-way shall be allowed in compliance with Section 5.72.060 of the Municipal Code.
- d. Non-Motorized Mobile Sales. Non-motorized mobile sales, as defined in Division 8 (Glossary), shall be allowed as an outdoor accessory use in public facility and commercial zoning districts, in compliance with the following:
  - i. Provide sufficient room surrounding any merchandise display to allow for accessibility and to meet fire codes and ADA requirements;
  - ii. Not interfere with pedestrian movement or create a pedestrian hazard;
  - iii. Use of a public right-of-way shall be allowed in compliance with Section 5.08.280 of the Municipal Code.
- e. Temporary Non-Mobile Sales. Temporary non-mobile sales, as defined in Division 8, shall be allowed as an outdoor accessory use in public facility and commercial zoning districts in compliance with the following:
  - i. Temporary non-mobile sales are limited to occurring no more than eight days per calendar year. For a time period greater

than eight days, a temporary activity permit will be required subject to the restrictions of Chapter 16.164.

- ii. Temporary non-mobile sales in public right-of-way shall be subject to Title 5.
  - f. Christmas Tree/Holiday Sales Facilities. Temporary Christmas tree, pumpkin patch, and other holiday sales shall operate consistent with Section 16.80.110 (Christmas tree/holiday sales facilities)
- 3. Retail/Service. Provides standards for accessory uses allowed in the RH and CO zoning districts. Accessory uses include any use that is customarily incidental to the main use and provides an accessory service, including lunchrooms, prescription pharmacies, and beauty and barber shops, to serve occupants and patrons of the main use, subject to the following requirements:
  - a. Shall be incidental to and not alter the residential or office character of the site;
  - b. All goods or services shall be displayed, dispensed, and stored solely within the structure;
  - c. Shall not exceed 25 percent of the structure area; and
  - d. Shall be developed in compliance with the building envelope standards for the main structure.
- c. Other. Other accessory uses and structures including stationary outdoor barbeques shall be subject to the following:
  - 1. The accessory uses are allowed if:
    - a. The accessory use is identified in Table 2-2 (Allowed Land Uses and Permit Requirements) as an allowed use if it were a primary use; or
    - b. The accessory use or structure is:
      - i. Incidental to the primary use;
      - ii. Has a floor area that is less than 25 percent of the floor area covered by the primary use;
      - iii. Has an overall site area that is less than 10 percent of the overall site covered by the primary use;

- iv. In the opinion of the Director, would not have a substantial, adverse effect on adjacent property;
  - v. Not located in a required setback area, except as provided for in Section 16.36.120 (Site coverage measurements and exceptions);
  - vi. Not adversely impacting circulation or increase the required number of parking spaces; and
  - vii. Would comply with existing requirements of agencies having jurisdiction and other appropriate regulatory agency.
2. For those accessory uses that do not meet the requirements of subsection (C)(1) of this section, the level of review for the accessory use shall be the same as the level of review required for the primary use. (Ord. 2020-12-01-1502 C.S. § 29; Ord. 2020-09-15-1501 § 8; Ord. 2020-06-09-1501 C.S. § 19; Ord. 2014-07-29-1601 C.S. § 3; Ord. 015-09 C.S., eff. 12-3-09; Ord. 001-08 C.S. §§ 19, 20; Ord. 023-07 C.S. §§ 79—82; prior code § 16-365.020)

### **SECTION XIII: AMENDMENT OF CODE**

Title 16, Division 3, Chapter 16.80, Section 16.80.060 of the Stockton Municipal Code (SMC) is amended to read, as follows:

#### **16.80.060                    Animal regulations.**

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 6.04.020 of the Municipal Code) shall not be permitted within the corporate limits of the City, except as exempt under 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.

<b>TABLE 3-14 ANIMAL-KEEPING STANDARDS</b>				
<i>Type of Animal</i>	<i>Maximum Number of Animals per Site</i>	<i>Minimum Lot Size</i>	<i>Setback from Property Lines</i>	<i>Zoning Districts</i>
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
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)				

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

<i>Type of Animal</i>	<i>Maximum Number of Animals per Site</i>	<i>Minimum Lot Size</i>	<i>Setback from Property Lines</i>	<i>Zoning Districts</i>
(not including roosters or cockerels)				
<i>Commercial/farm</i>	150 animals per acre	1/2 acre	5 feet	RE, IG, OS
<i>Residential (hobby)</i>	4 per 5,000 square feet	5,000 square feet	5 feet	RL, RM, RH
<i>Market garden/urban farm</i>	4 per 5,000 square feet	5,000 square feet	5 feet	CO, CN, CD, CL, IL
<i>Market garden/urban farm</i>	Subject to District approval			PT
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				
<i>Commercial/farm</i>	Subject to an administrative use permit	1 acre	100 feet	RE, IG
<i>Residential (hobby)</i>	1 per 10,000 square feet	12,000 square feet	50 feet	RE, OS
<i>Market garden/urban farm</i>	1 per 10,000 square feet	12,000 square feet	50 feet	RE, IG, OS
Sheep, goats, and similar sized animals (not including pigs)				
<i>Commercial/farm</i>	Subject to an administrative use permit	1 acre	50 feet	RE, IG
<i>Residential (hobby)</i>	5 per 10,000 square feet	12,000 square feet	50 feet	RE
<i>Market garden/urban farm</i>	5 per 10,000 square feet	12,000 square feet	50 feet	RE, RL, IG, OS
Worm farms, fish farms, and similar uses	Subject to an administrative use permit	1 acre	50 feet	RE, IG



<b>TABLE 3-14 ANIMAL-KEEPING STANDARDS</b>				
<i>Type of Animal</i>	<i>Maximum Number of Animals per Site</i>	<i>Minimum Lot Size</i>	<i>Setback from Property Lines</i>	<i>Zoning Districts</i>
Bee keeping				
<i>Commercial/farm</i>	Subject to an administrative use permit	1 acre	50 feet	RE, IG
<i>Residential (hobby)</i>	2 hives	5,000 square feet	10 feet*	RE, RL
<i>Market garden/urban farm</i>	2 hives per ½ acre	½ acre	50 feet	RE, RL, CL, CN, IG, IL
Notes: * If a flyway barrier is established per Section 16.80.350, setback may be reduced to 5 feet.				

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 16.36.035 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.
  - 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 XIX: AMENDMENT OF CODE**

Title 16, Division 3, Chapter 16.80, Section 16.80.100 of the Stockton Municipal Code (SMC) is amended to read, as follows:

### **16.80.100 Child care facilities.**

This section establishes standards for the provisions of child care facilities in zoning districts where they are allowed in compliance with the provisions of Division 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards). Child care facilities shall be in compliance with State law and in a manner that recognizes the needs of child care operators and minimizes the effects on surrounding properties. These standards apply in addition to the other provisions of this Development Code and requirements imposed by the California Department of Social Services.

- 1. License. The operator shall secure and maintain a license from the State of California Department of Social Services.
- 2. Fence or Wall. A minimum six (6) foot high solid decorative fence or wall shall be constructed on all property lines, except in the front yard or within a traffic sight area (Section 16.36.140). Fences or walls shall provide for safety with controlled points of entry. A minimum three (3) foot wide landscaped area shall be provided adjacent to the wall/fence and shall include a dense hedge of evergreen shrubs a minimum of 15 gallons in size.
- 3. Play Areas. The facility shall provide play areas:

- a. Indoor Play Areas. Indoor play areas shall be in compliance with State requirements requiring 35 square feet of indoor play area per child; and
  - b. Outdoor Play Areas. Outdoor play areas shall be in compliance with State requirements requiring 75 square feet of designated fenced outdoor play area for each child. Pools shall be enclosed by a minimum five (5) foot high fence.
- 4. Hours of Operation. Unless otherwise stated in the use permit, hours of operation shall be confined to between 6:00 a.m. and 10:00 p.m. In no case shall an individual child stay for a continuous period of 24 hours or more.
- 5. Signs. One (1) sign shall be permitted in compliance with Chapter 16.76 (Sign Standards).
- 6. Off-Street Parking. Off-street parking shall be provided in compliance with Chapter 16.64 (Off-Street Parking and Loading Standards), plus additional surface area shall be provided that is of sufficient size to accommodate off-street loading/unloading. The area used for parking shall not be used for both parking and as a play area at the same time.
- 7. Separation Standards.
  - a. The minimum separation between the main assembly building of the center and an adjacent residential property line shall be 30 feet; and
  - b. The facility shall not be located within 500 feet of another licensed large family child care home or child care center.
- 8. Location. Wherever possible, facilities shall be located in existing institutional facilities and/or along major streets. (Ord. 2020-06-09-1501 C.S. § 20; Ord. 001-08 C.S. § 86; prior code § 16-365.070)

## **SECTION XX: AMENDMENT OF CODE**

Title 16, Division 3, Chapter 16.80, Section 16.80.120 of the Stockton Municipal Code (SMC) is amended to read, as follows:

**16.80.120                      Reserved.**

**SECTION XXI: AMENDMENT OF CODE**

Title 16, Division 3, Chapter 16.80, Section 16.80.155 of the Stockton Municipal Code (SMC) is amended to read, as follows:

**16.80.155                      Emergency shelters.**

This section provides development standards for the establishment of any emergency shelter projects in zoning districts where they are allowed in compliance with the provisions of Division 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards). Nothing in this section modifies the requirements for approval of a religious facility as otherwise provided in this Code.

- A.      Location. An emergency shelter shall not be established or operated at any location less than 300 feet from another emergency shelter.
- B.      Maximum Number of Beds per Facility. The maximum number of beds per facility shall be determined and as allowed by Building and Fire Codes.
- C.      Waiting Area. If the intake of clients occurs on-site there shall be provided an on-site client intake and waiting area in a location not adjacent to the public right-of-way, that is fully screened from public view, and provides consideration for weather events including shade and rain cover. The intake and waiting area shall be suitably sized to prevent queuing in the public right-of-way or within any parking lot, but shall occupy a maximum area of 400 square feet.
- D.      Security. The facility shall have on-site security during all hours when the shelter is open.
- E.      Limited Terms of Stay. The maximum term of staying at an emergency shelter is six (6) months in a consecutive 12-month period.
- F.      Emergency Shelter Management. On-site management shall be provided to address good neighbor issues, transportation, client supervision, client services and food services. The on-site management shall, at minimum, possess the property owner's and operator's names and contact information, provide on-site security and enact anti-loitering measures.

- G. Compliance with Other Applicable Codes and Regulations. Each emergency shelter shall comply with all applicable local and state health and safety codes such as, but not limited to, the California Building Code, California Fire Code, and California Health and Safety Code.
- H. Shelter Crisis. In the event that the City Council declares a shelter crisis, pursuant to California Government Code Section 8698.2, the following shall apply in regards to emergency/temporary housing:
  - 1. Temporary Housing. Temporary structures for habitation, including, but not limited to, trailers, recreational vehicles, manufactured homes, tiny homes, and similar configurations are permitted on parcels with the approval of a temporary activity permit.
    - a. Information Required, Multiple Temporary Units. For proposals that include multiple temporary housing units on a single parcel, the application shall also include details of the operations of the use, including, but not limited to, a description of the following:
      - i. Number of proposed units.
      - ii. Cooking facilities.
      - iii. Sanitation facilities and management thereof.
      - iv. Power source and associated noise mitigation.
      - v. Site lighting.
      - vi. Site security and management, including the number of staff on site at any given time.
      - vii. Location of proposed parking.
      - viii. On-going site maintenance.
      - ix. Duration of temporary housing.
      - x. Clean-up/returning the site to its original condition following termination of the use.
  - 2. Development Standards.
    - a. Number of Units Permitted. The number of temporary housing units, either individual, or single-unit units, permitted on a parcel shall be determined through the temporary activity permit process.

- b. Lighting. Adequate external lighting shall be provided for security purposes in compliance with Section 16.36.095 (Lighting and Illumination).
  - c. On-Site Management. For proposals that include multiple temporary housing units, with five (5) or more units on a single parcel, at least one (1) facility manager shall be on-site during hours of operation.
  - d. Sanitation Facilities. The number of bathrooms and showers required on site shall be determined through the building permit process, and shall be consistent with the California Building Code.
  - e. Parking. No parking is required for temporary housing.
  - f. Water and Wastewater Services. Water and wastewater service shall be available on the site proposed for temporary housing structures unless an alternative source is approved by the City of Stockton Municipal Utilities Department and Cal Water (if applicable) and complies with any applicable provisions of the California Building Code.
    - i. Water. To protect the public water system, the appropriate approved backflow device shall be required. Initial testing certification of backflow devices is required and shall be performed by an entity as determined by the water purveyor.
    - ii. Wastewater. To protect public health, connection to the wastewater system is required. The City of Stockton Municipal Utilities Department will determine the appropriate connection requirement.
  - g. Electrical Service. Electrical services shall be available on the site proposed for temporary housing structures unless an alternate source is approved by the Director, and is in accordance with any applicable provisions of the California Building and Electrical Codes. All temporary or permanent electrical service shall be located on the subject site.
3. Duration of Use. The duration of a temporary housing use shall be determined by the Director. It shall be the responsibility of the property owner to ensure that temporary housing units are vacated in accordance with law on or before expiration of the temporary activity permit.

## **SECTION XXII: AMENDMENT OF CODE**

Title 16, Division 3, Chapter 16.80, Section 16.80.210 of the Stockton Municipal Code (SMC) is amended to read, as follows:

### **16.80.210 Mobilehome parks and subdivisions.**

Mobile home parks and subdivisions shall be located, developed, and operated in compliance with the following standards.

- A. State and Federal Requirements. The following local standards are supplemental to the State of California Mobilehome Act or Federal Housing Administration (where applicable) standards enforced by the California Department of Housing and Community Development, Division of Building and Housing Standards (the State) and do not relieve the developer from complying with those State or Federal standards not covered herein.
  - a. Prior to any construction on a mobilehome park, plans and specifications shall be submitted and approved by the State.
  2. Access. Access to the mobilehome park shall be directly to a major arterial street identified in the Circulation Element of the General Plan or within 500 feet of freeway access ramps.
  3. Setback Requirements. Mobilehome spaces, buildings, parking or recreational areas, and other structures shall be set back a minimum of 20 feet from all property lines along public streets.
  4. Parking.
    - a. One and one-half (1.5) automobile parking space shall be required on each mobilehome unit. One space shall be required for resident use and one-half (½) space shall be required for guest parking.
    - b. Supplemental storage areas shall be required for boats, campers, travel trailers, and similar recreational vehicles if such vehicles are permitted to be kept within the mobilehome park.
    - c. Parking located outside of the mobilehome facility and not under the authority of the State, shall be reviewed in compliance with SMC Chapter 16.64 (Off-Street Parking and Loading Standards).

5. Landscaping. All areas outside of the mobilehome park, and not under the authority of the State, shall be landscaped and maintained in accordance with Chapter 16.56 (Landscaping Standards).
6. Screening. A minimum six foot tall solid masonry wall shall be provided around the entire perimeter of the mobilehome park subject to compliance with the setback requirements of Chapter 16.48 (Fences, Hedges, and Walls).
7. Operational Standards.
  - a. An accessory service use such as a laundromat is permitted within the mobilehome park, for use of the residents. In mobilehome parks with 100 or more spaces, incidental business uses may be permitted as part of the project approval.
  - b. Mobilehomes may be sold within the mobilehome park by the owner provided they are located on a mobilehome space, and not more than one mobilehome which is for sale shall be placed on any one space.
  - c. The renting of mobilehomes in a mobilehome park is prohibited unless the mobilehome bears the insignia of the State of California Division of Building and Housing Standards and is licensed by the Division for this purpose.

### **SECTION XXIII: AMENDMENT OF CODE**

Title 16, Division Chapter 16.80, Section 16.80.215 of the Stockton Municipal Code (SMC) is amended to read, as follows:

**16.80.215.               Reserved.**

### **SECTION XXIV: AMENDMENT OF CODE**

Title 16, Division 3, Chapter 16.80, Section 16.80.220 of the Stockton Municipal Code (SMC) is amended to read, as follows:

**16.80.220               Reserved.**



## **SECTION XXV: AMENDMENT OF CODE**

Title 16, Division 3, Chapter 16.80, Section 16.80.225 of the Stockton Municipal Code (SMC) is amended to read, as follows:

### **16.80.225 Co-living facilities.**

This section provides development standards for the establishment of co-living facilities in zoning districts where they are allowed in compliance with the provisions of Division 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards).

- A. Partial or Complete Kitchen and Bath Facilities.
  - 1. If individual bath facilities are not provided, there shall be provided on each floor, for each sex, at least one (1) water closet and lavatory and one (1) bath, accessible from a public hallway. Additional water closets, lavatories and baths shall be provided on each floor for each sex at the rate of one (1) for every additional 10 guests or fractional number thereof more than 10. Such facilities shall be clearly marked for “men” or “women.” As an alternative, adequate unisex facilities may be provided.
  - 2. If individual kitchen facilities are not provided, common kitchen facilities must be provided that adequately serve the residents of the co-living unit facility. Additional requirements may be imposed by the Review Authority.
  - 3. For purposes of this section, a partial bathroom contains a water closet and sink which may be utilized for both hygiene and cooking purposes.
  - 4. A full kitchen contains all of the following: a sink, a refrigerator, and a stove, range top or oven. A partial kitchen is missing at least one (1) of these facilities.
- B. The Review Authority shall deny the application where the information submitted by the applicant and/or presented at the public hearing fails to satisfactorily substantiate that the project will comply with these criteria.
- C. Excluding the closet and the bathroom area, a co-living unit must contain a minimum of 150 square feet in floor area. The average unit size in a co-living unit facility shall be no greater than 275 square feet and no individual living unit may exceed 400 square feet.

- D. Each co-living unit shall be designed to accommodate a maximum of two (2) persons.
- E. Individual co-living units may not have separate external entryways.
- F. The co-living unit facility must have a management plan approved by the Housing Division.
- G. Laundry facilities must be provided in a separate room at the ratio of one (1) washer and one (1) dryer for every 20 units or fractional number thereof.
- H. A cleaning supply storeroom and/or utility closet with at least one (1) laundry tub with hot and cold running water must be provided on each floor of the living unit building. (Ord. 2020-12-01-1502 C.S. § 30)

#### **SECTION XXVI: AMENDMENT OF CODE**

Title 16, Division 3, Chapter 16.80, Section 16.80.230 of the Stockton Municipal Code (SMC) is amended to read, as follows:

**16.80.230                    Reserved.**

#### **SECTION XXVII: AMENDMENT OF CODE**

Title 16, Division 3, Chapter 16.80, Section 16.80.310 of the Stockton Municipal Code (SMC) is amended to read, as follows:

**16.80.310                    Accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs).**

This section provides standards for the establishment of Accessory Dwelling Units and Junior Accessory Dwelling Units in a manner consistent with Government Code Sections 66310-66342. The standards granted per the Government Code pertaining to Accessory Dwelling Units, shall preempt and supersede any local standards that conflict with the allowances granted under State law.

- A. Review Procedures. The Review Authority shall issue a ministerial building permit for an Accessory Dwelling Unit (ADU) or Junior Accessory Dwelling Unit (JADU)

without discretionary review or a hearing, consistent with the provisions of this chapter and state law, unless otherwise provided.

- B. **Primary Dwelling Unit Required.** The lot must be in a zoning district that allows single-unit or multi-unit dwellings and contain an existing primary dwelling unit or multi-unit dwelling at the time an application for an ADU is submitted, or the application for an ADU may be made in conjunction with the development of a primary single-unit dwelling.
- C. **Number of Accessory Dwelling Units Allowed.** One ADU shall be allowed per parcel except as follows:
  - 1. When a parcel has existing multi-unit development, at least one ADU, but not more than 25 percent of the existing multi-unit units are permitted within the portions of existing multi-unit dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each ADU complies with the applicable provisions of Title 15.
  - 2. When the parcel has multi-unit development, a maximum of eight (8), but no more than the number existing units on-site, detached ADUs are permitted, above and beyond the 25 percent limit described above.
  - 3. When the parcel has proposed multi-unit development, a maximum of two detached accessory dwelling units.
  - 4. One attached ADU and/or one JADU internal to the primary dwelling unit may be constructed on lots with proposed or existing single-unit dwellings.
  - 1. When a parcel has been subdivided under Government Code Sections 65852.21, 66411.7, and 66452.6, only one ADU per subdivided parcel shall be permitted.
- D. **Development Standards.** Except as provided pursuant to Government Code section 66323, ADUs shall comply with the development standards of the base, overlay, or specific plan district in which it is located, except as modified below.
  - 1. **Density.** An ADU shall not be included in the calculation of the density of the lot on which it is located.
  - 2. **Setbacks.**

- a. Attached and detached ADUs may encroach into the rear, street side and side yard setback when a minimum setback of three (3) feet is provided.
  - b. When an existing detached accessory structure is converted in whole or part to an ADU, only those portions located outside the existing building envelope are subject to a minimum setback of three (3) feet.
- 3. Floor Area.
  - a. The maximum floor area of a detached ADU is 1,200 square feet, excluding, where present, any enclosed parking space(s), exterior stairs, or similar non-habitable features.
  - b. The total floor area of an attached ADU shall not exceed 50 percent of the existing primary dwelling or 850 square feet, whichever is greater.
  - c. The maximum floor area of a JADU is 500 square feet.
- 4. Passageway. No passageway shall be required in conjunction with the construction of an accessory dwelling unit. However, accessory dwelling units attached to single-unit dwellings shall have independent, exterior access and side and rear setbacks sufficient for fire and safety.

E. Parking.

- 1. No off-street parking is required for ADUs.
- 2. If off-street parking space is voluntarily provided, the following standards apply:
  - a. It may be uncovered, covered, or enclosed;
  - b. It must be on a paved surface and accessible from a paved driveway; and
  - c. It may exceed the front yard pavement limit at Section 16.64.090(A)(2).
- 3. When an existing garage, carport or covered parking structure is demolished in conjunction with the construction of an ADU, there is no replacement requirement.

- F. Rental or Sale of Unit. An ADU may be rented. The rental term shall be at least 30 days. The ADU shall not be sold or otherwise conveyed separately from the main dwelling unit, except as provided at Government Code Section 66341 and below.
1. An ADU may be conveyed separately from the primary dwelling unit as a condominium, pursuant to the following requirements.
    - a. The condominiums shall be created pursuant to the Davis-Stirling Common Interest Development Act (Part 5 (commencing with Section 4000) of Division 4 of the Civil Code).
    - b. The condominiums shall be created in conformance with all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410)) and all objective requirements of Division 6 (Subdivision Regulations).
    - c. Before recordation of the condominium plan, a safety inspection of the accessory dwelling unit shall be conducted as evidenced either through a certificate of occupancy from the local agency or a housing quality standards report from a building inspector certified by the United States Department of Housing and Urban Development.
    - d. Neither a subdivision map nor a condominium plan shall be recorded with the County Recorder without each lienholder's consent. The following shall apply to the consent of a lienholder:
      - i. A lienholder may refuse to give consent.
      - ii. A lienholder may consent provided that any terms and conditions required by the lienholder are satisfied.
    - e. Prior to recordation of the initial or any subsequent modifications to the condominium plan, written evidence of the lienholder's consent shall be provided to the County Recorder along with a signed statement from each lienholder that states as follows:

“(Name of lienholder) hereby consents to the recording of this condominium plan in their sole and absolute discretion and the borrower has or will satisfy any additional terms and conditions the lienholder may have.”

- f. The lienholder's consent shall be included on the condominium plan or a separate form attached to the condominium plan that includes the following information:
  - i. The lienholder's signature.
  - ii. The name of the record owner or ground lessee.
  - iii. The legal description of the real property.
  - iv. The identities of all parties with an interest in the real property as reflected in the real property records.
  - v. The lienholder's consent shall be recorded in the office of the County Recorder.
- g. The local agency shall include the following notice to consumers on any accessory dwelling or junior accessory dwelling unit submittal checklist or public information issued describing requirements and permitting for accessory dwelling units, including as standard condition of any accessory dwelling unit building permit or condominium plan approval:

"NOTICE: If you are considering establishing your primary dwelling unit and accessory dwelling unit as a condominium, please ensure that your building permitting agency allows this practice. If you decide to establish your primary dwelling unit and accessory dwelling unit as a condominium, your condominium plan or any future modifications to the condominium plan must be recorded with the County Recorder. Prior to recordation or modification of your subdivision map and condominium plan, any lienholder with a lien on your title must provide a form of written consent either on the condominium plan, or on the lienholder's consent form attached to the condominium plan, with text that clearly states that the lender approves recordation of the condominium plan and that you have satisfied their terms and conditions, if any.

In order to secure lender consent, you may be required to follow additional lender requirements, which may include, but are not limited to, one or more of the following:

- (a) Paying off your current lender.

You may pay off your mortgage and any liens through a refinance or a new loan. Be aware that refinancing or using a new loan may result in changes to your interest rate or tax basis. Also, be aware that any subsequent modification to your subdivision map or condominium plan must also be consented to by your lender, which consent may be denied.

(b) Securing your lender's approval of a modification to their loan collateral due to the change of your current property legal description into one or more condominium parcels.

(c) Securing your lender's consent to the details of any construction loan or ground lease.

This may include a copy of the improvement contract entered in good faith with a licensed contractor, evidence that the record owner or ground lessee has the funds to complete the work, and a signed statement made by the record owner or ground lessor that the information in the consent above is true and correct."

- h. If an accessory dwelling unit is established as a condominium, the homeowner shall notify providers of utilities, including water, sewer, gas, and electricity, of the condominium creation and separate conveyance.
- i. The owner of a property or a separate interest within an existing planned development that has an existing association, as defined in Section 4080 of the Civil Code, shall not record a condominium plan to create a common interest development under Section 4100 of the Civil Code without the express written authorization by the existing association.
  - i. For purposes of this subdivision, written authorization by the existing association means approval by the board at a duly noticed board meeting, as defined in Section 4090 of the Civil Code, and if needed pursuant to the existing association's governing documents, membership approval of the existing association.

- j. An accessory dwelling unit shall be sold or otherwise conveyed separate from the primary residence only under the conditions outlined in this Section and State law.
- G. Junior Accessory Dwelling Units. In addition to the other standards provided in this Section, each JADU shall be subject to compliance with the building permit requirements and the following standards:
  - 1. Each JADU may contain separate sanitation facilities or may share sanitation facilities with the primary dwelling unit.
  - 2. Each JADU shall include a separate entrance from the main entrance to the principal dwelling unit and may include an interior entry to the main living area. A second, “double” interior door may be included for sound attenuation.
  - 3. Each JADU shall, at a minimum, include an efficiency kitchen, as required by the building code, which shall include all of the following:
    - a. A cooking facility with appliances; and
    - b. Food preparation counters and storage cabinets.
  - 4. One (1) JADU is permitted per lot zoned for single-unit dwellings that is developed or proposed to be developed with a single-unit dwelling.
  - 5. Additional parking is not required for a JADU.
  - 6. Owner-occupancy is required in the primary dwelling unit in which the JADU will be permitted. The owner may reside in either the primary dwelling unit or the newly created JADU. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.
  - 7. Recordation of a deed restriction, which shall run with the land, shall be filed with the permitting agency, and shall include both of the following:
    - a. A prohibition on the sale of the JADU separate from the sale of the primary dwelling, including a statement that the deed restriction may be enforced against future purchasers.
    - b. A restriction on the size and attributes of the JADU that conforms with this Chapter.



## **SECTION XXIII: AMENDMENT OF CODE**

Title 16, Division 3, Chapter 16.80, Section 16.80.350 of the Stockton Municipal Code (SMC) is amended to read, 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 16.36.035 (Accessory 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 10 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 six (6) feet tall and extend 10 feet beyond the colony on either side. It can be solid, vegetative or any combination of the two (2), that forces the bees to cross the property line at a height of six (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 six (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. (Ord. 2020-09-15-1501 C.S. § 15)

## **SECTION XXIX: AMENDMENT OF CODE**

Title 16, Division 3, Chapter 16.80, Section 16.80.360 of the Stockton Municipal Code (SMC) is amended to read, as follows:

**16.80.360                      Reserved.**

## **SECTION XXX: AMENDMENT OF CODE**

Title 16, Division 3, Chapter 16.80, Section 16.80.375 of the Stockton Municipal Code (SMC) is amended to read, as follows:

**16.80.375                      Reserved.**

## **SECTION XXXI: AMENDMENT OF CODE**

Title 16, Chapter 16.80, Division 3, Section 16.80.400 of the Stockton Municipal Code (SMC) is amended to read, as follows:

**16.80.400                      Supportive and Transitional Housing**

- A. Supportive and Transitional Housing, Generally. Pursuant to California Government Code Section 65583(c)(3), transitional and supportive housing constitute a residential use and are subject only to those restrictions that apply to other residential uses of the same type in the same zoning district.
- B. Supportive Housing, Up to 50 Units. Pursuant to California Government Code Section 65651, supportive housing development with up to 50 supportive housing units shall be permitted by right in all zones where multi-unit and mixed use residential development are permitted provided the development satisfies all of the following requirements:
  - 1. All supportive housing units within the development are subject to a recorded affordability restriction for 55 years.

2. One hundred percent of the units, excluding managers' units, within the development are dedicated to lower income households and are receiving public funding to ensure affordability of the housing to lower income Californians. For purposes of this paragraph, "lower income households" has the same meaning as defined in Section 50079.5 of the Health and Safety Code.
3. At least 25 percent of the units in the development or 12 units, whichever is greater, are restricted to residents in supportive housing who meet criteria of the target population. If the development consists of fewer than 12 units, then 100 percent of the units, excluding managers' units, in the development shall be restricted to residents in supportive housing.
4. The developer shall provide the information required by California Government Code Section 65652 to the Planning Division.
5. Nonresidential floor area shall be used for onsite supportive services in the following amounts:
  - a. For a development with 20 or fewer total units, at least 90 square feet shall be provided for onsite supportive services.
  - b. For a development with more than 20 units, at least 3 percent of the total nonresidential floor area shall be provided for onsite supportive services that are limited to tenant use, including, but not limited to, community rooms, case management offices, computer rooms, and community kitchens.
6. The developer replaces any dwelling units on the site of the supportive housing development in the manner provided in paragraph (3) of subdivision (c) of Section 65915.
7. Units within the development, excluding managers' units, include at least one bathroom and a kitchen or other cooking facilities, including, at minimum, a stovetop, a sink, and a refrigerator.
8. Notwithstanding any other provision of this Section to the contrary, the local government shall, at the request of the project owner, reduce the number of residents required to live in supportive housing if the project-based rental assistance or operating subsidy for a supportive housing project is terminated through no fault of the project owner, but only if all of the following conditions have been met:

- a. The owner demonstrates that it has made good faith efforts to find other sources of financial support.
- b. Any change in the number of supportive service units is restricted to the minimum necessary to maintain project's financial feasibility.

Any change to the occupancy of the supportive housing units is made in a manner that minimizes tenant disruption and only upon the vacancy of any supportive housing units.

## **SECTION XXXII: AMENDMENT OF CODE**

Title 16, Division 5, Chapter 16.112 of the Stockton Municipal Code (SMC) is amended to read, as follows:

### **Chapter 16.112 Administrative Exception**

#### **16.112.010 Purpose of chapter.**

This chapter is intended to provide flexibility to allow minor adjustments from certain development standards in those cases where the strict application of a standard may not be appropriate. (Prior code § 16-505.010)

#### **16.112.020 Review Authority.**

The Director is the Review Authority for administrative exception, subject to appeal in compliance with Chapter 16.100 (Appeals). The Director may grant the adjustment or may defer action and refer the application to the Commission. (Prior code § 16-505.020)

#### **16.112.030 Applicability.**

- A. **Adjustment.** The Director may grant an adjustment from the requirements of this Development Code for the following development standards:

<b>TABLE 5-1 ALLOWABLE ADMINISTRATIVE EXCEPTIONS</b>	
<i>Types of Administrative Exceptions Allowed</i>	<i>Maximum Adjustment</i>
Allowed Projections. An increase in the allowed projection of canopies, cornices, eaves, fireplaces, landings, masonry chimneys, overhangs, raised porches, stairways and steps in a required setback/yard area, subject to building and fire codes.	20 percent

<b>TABLE 5-1 ALLOWABLE ADMINISTRATIVE EXCEPTIONS</b>	
<i>Types of Administrative Exceptions Allowed</i>	<i>Maximum Adjustment</i>
Density. An increase or decrease in the allowed density.	30 percent
Distances Between Structures. A decrease in the allowed distances between detached accessory structures and main structures.	20 percent
Fence or Wall Height/Setbacks. An increase in the maximum allowed height or the minimum required setback of a fence or wall, subject to City-approved structural design standards.	30 percent
Garages. A decrease in the required size of a garage.	10 percent
Off-Street Parking. A decrease in the number of required parking spaces and number of required trees.	30 percent
Setback Area. A decrease in the required setback area for structures, landscaping, swimming pools/spas, and equipment.	30 percent
Site Coverage. An increase in the maximum site coverage.	20 percent
Structure Height. An increase in the maximum structure height.	20 percent
Other Standards. The Director shall also be allowed to vary other standards including minor operational/performance standards relating to dust, hours of operation, landscaping/parking, light, noise, etc.	20 percent

- B. **Required Waiver.** A request which exceeds the amount specified in Table 5-1, above, up to a 50 percent increase or decrease of the standard requirement shall require the filing of a waiver application in compliance with Chapter 16.176 (Waiver).
- C. **Required Variance.** A request which exceeds the limitations identified in this section shall require the filing of a variance application in compliance with Chapter 16.172 (Variance). (Ord. 023-07 C.S. § 107; prior code § 16-505.030)

#### **16.112.040 Application filing, processing, and review.**

- A. **Filing.** An application for an administrative exception shall be completed, filed with the Department, and processed in compliance with Chapter 16.84 (Application Filing, Processing, and Fees), and shall be accompanied by the fee required by the Council's fee resolution.
- B. **Review.** Each application shall be analyzed by the Director to ensure that the application is consistent with the purpose and intent of this chapter in compliance with Section 16.84.050 (Initial application review and environmental assessment).

Review of the application may include referral to City staff and specialists and on-site inspection of the subject parcel, if necessary.

- C. **Director's Action.** Following review of the application, the Director shall:
1. ***Environmental Determination.*** Make an environmental determination in compliance with Section 16.88.040 (Environmental determination); and
  2. ***Application.*** Take one of the following actions on the application:
    - a. ***Decision.*** Approve, approve with conditions, or deny the application in compliance with Section 16.88.050(A) (Review without notice procedure).
    - b. ***Defer.*** Defer action and refer the application to the Commission for final decision.
  3. ***Noticing Not Required.*** A public notice or hearing shall not be required for the Director's action on an administrative exception. If the Director refers the application to the Commission or the decision of the Director is appealed, notice of the Commission's hearing shall be given in compliance with Section 16.88.030 (Public hearing notices). (Prior code § 16-505.040)

#### **16.112.050 Findings and decision.**

The Review Authority shall provide the findings of fact on which the decision is based in writing. It is the responsibility of the applicant to establish evidence in support of the required findings. The Review Authority may approve the administrative exception, with or without conditions, only if all of the following findings of fact can be made.

- A. The granting of the exception will result in design improvements, or enable the site to be utilized in such a way as to not create a hardship in meeting a specific standard;
- B. The subject site would be physically suitable for the proposed administrative exception;
- C. The granting of the exception, with conditions that are imposed, will not be detrimental to the public convenience, health, interest, safety, or general welfare of the City or injurious to the property or improvements in the zone or neighborhood in which the property is located;

- D. The granting of the exception will be consistent with the general land uses, objectives, policies, and programs of the General Plan, any applicable specific plan, precise road plan, or master development plan, and the intent of this Development Code; and
- E. The granting of the exception will be in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines. (Prior code § 16-505.050)

#### **16.112.060 Notice of decision.**

The Director shall provide written notice of the decision of the administrative exception application to the applicant and interested parties within 10 days following the final date of the decision. (Prior code § 16-505.060)

#### **16.112.070 Conditions of approval.**

In approving an administrative exception, the requirements of this Development Code are considered a minimum and the applicable Review Authority may impose specific development conditions relating to both on- and off-site improvement, as it finds are reasonable and necessary to ensure that the approval would be in compliance with the findings required by Section 16.112.050 (Findings and decision), above, and to carry out the purpose and requirements of the respective zoning district and any applicable overlay zone. (Prior code § 16-505.070)

#### **16.112.080 Post approval procedures.**

Unless otherwise stated below, the requirements for the use of property; owner responsibility; issuance of a business license, building permit, or certificate of occupancy; performance guarantees; maintenance; effective date and review of the project following approval of an administrative exception shall be in compliance with Chapter 16.92 (Implementation Procedures, Conditions, and Requirements). In addition, the following procedures may apply after approval of an administrative exception:

- A. **Appeals.** Appeals in compliance with Chapter 16.100 (Appeals).
- B. **Changes to an Administrative Exception.** Changes to the project in compliance with Chapter 16.104 (Changes to an Approved Project);



- C. **Expiration/Extension.** Expirations and extensions in compliance with Chapter 16.96 (Expirations and Extensions), or as otherwise provided by the administrative exception; and
- D. **Revocation/Modification.** Revocation or modification in compliance with Chapter 16.108 (Revocation and Modification). (Prior code § 16-505.080)

### **SECTION XXXIII: AMENDMENT OF CODE**

Title 16, Division 5, Chapter 16.164, Section 16.164.060 of the Stockton Municipal Code (SMC) is amended to read, as follows:

#### **Chapter 16.164 Temporary Activity Permits**

##### **16.164.060            Development standards.**

Standards for heights, landscaping areas, off-street parking, setbacks, and other structure and property development standards that apply to the category of use or the zoning district of the subject parcel shall be used as a guide for determining the appropriate development standards for temporary activities. However, the Review Authority may authorize an adjustment from the specific requirements as deemed appropriate, necessary, and reasonable. (Prior code § 16-570.060)

### **SECTION XXXIV: AMENDMENT OF CODE**

Title 16, Division 5, Chapter 16.176, Section 16.176.020 of the Stockton Municipal Code (SMC) is amended to read, as follows:

##### **16.176.020            Review Authority.**

- A. **Director.** The Director is the Review Authority for those waivers identified in this Development Code as requiring the approval of the Director. The decision of the Director is subject to appeal in compliance with Chapter 16.100 (Appeals). The Director may approve the request or may defer action and refer the request to the Commission.
- B. **Commission.** The Commission is the Review Authority for those waivers identified in this Development Code as requiring the approval of the Commission, including requests for adjustment to the requirements of this Development Code which

exceed the amount specified in Table 5-1, for an Administrative Exception, up to a 50 percent increase or decrease of the standard requirement. The decision of the Commission is subject to appeal in compliance with Chapter 16.100 (Appeals). (Ord. 023-07 C.S. § 120; prior code § 16-590.020)

## **SECTION XXXV: AMENDMENT OF CODE**

Title 16, Division 6, Chapter 16.196 of the Stockton Municipal Code (SMC) is amended to read, as follows:

### **Chapter 16.196 Condominiums and Condominium Conversions**

#### **16.196.010 Purpose of chapter.**

This chapter establishes requirements for applications for the creation of a condominium or other common interest residential development (including a community apartment project, planned development, or stock cooperative, as provided by California Civil Code Section 1351) simultaneously with the construction of a new structure, and the conversion of an existing structure to a condominium, consistent with the requirements of the Map Act. (Ord. 023-07 C.S., § 123; prior code § 16-650.010)

#### **16.196.020 Condominiums—New construction.**

- A. Required Processing. When a residential structure in compliance with Table 2-2 (Allowable Land Uses and Permit Requirements) is proposed at the time of construction as a condominium or other common interest development, a tentative map or tentative parcel map for the project shall be filed in the same form, have the same contents and accompanying data and reports and shall be processed, approved or denied in the same manner in compliance with Chapter 16.188 (Tentative Map Filing and Tentative Parcel Map and Processing). Chapter 16.192 (Parcel Maps and Final Maps) determines whether a parcel or final map shall also be filed.
- B. Notice to Tenants. Any person who rents or leases a dwelling unit in a condominium project shall be informed in writing at the onset of tenancy of the condominium status of the project and the fact that the dwelling unit may be offered for sale at any time. Failure of the owner of the condominium to give the required notice shall prohibit evicting the tenant to sell the tenant's condominium unit for 180 days from the date notice is provided. (Prior code § 16-650.020)

### **16.196.030                      Condominiums—Conversions.**

A condominium conversion is the conversion of real property to a common interest development as defined by Section 1351 of the California Civil Code.

- A.     Approval Requirements. A conversion shall require the approval of a condominium conversion permit and parcel map. A parcel map may be waived for a condominium conversion in compliance with Map Act Section 66428(b), or for the conversion of a mobilehome park in compliance with Map Act Section 66428.1. If a parcel map is waived, a tentative map shall be required.
- B.     Notice to Tenants. Each of the tenants of the proposed condominium, community apartment project, or stock cooperative project shall be given written notification in compliance with Government Code Section 66407.1 of:
  - 1.     The intention to convert at least 60 days prior to the filing of a tentative map;
  - 2.     Approval of a final map for the proposed conversion within 10 days of the approval;
  - 3.     Intention to convert 180 days prior to termination of tenancy due to the conversion; and
  - 4.     An exclusive right to contract for the purchase of his or her respective unit for at least 90 days from the date of issuance of the subdivision public report.
- C.     Application Requirements.
  - 1.     An application for a condominium conversion permit shall be filed with the Director on the forms provided by the Department, and shall include all additional information and materials required by the Department. The application shall be accompanied by the fee established by the Council's fee resolution to cover the cost of processing the application and accompanying documents.
  - 2.     The applicant shall also submit a report setting forth all repairs and replacements necessary, if any, to immediately place the buildings in substantial compliance with the California Building Standards Code as it existed at the time of construction of the project, and the City's Fire Code and Housing Code as they exist at the time of application for the condominium conversion permit.

- D. **Development Standards.** All condominium conversions shall comply with the following minimum standards.
1. **Meters and Control Valves.** Gas and electricity shall be separately metered for each unit. The Planning Commission may waive this requirement upon finding that conversion is necessary or highly conducive to the rehabilitation or restoration of historic buildings (e.g., landmarks and structures of merit).
  2. **Laundry Facilities.** Each unit shall be plumbed and wired for laundry facilities or shall have access to common laundry facilities within the project.
  3. **Smoke Detectors.** Each unit shall be provided with approved smoke detectors.
  4. **Condition of Equipment and Appliance Within Units.** The applicant shall supply a written certification to the buyer of each unit on the initial sale of the converted unit stating that every dishwasher, garbage disposal, stove, refrigerator, hot water tank, and air conditioner included within the unit is in working condition, and shall provide a one (1) year warranty covering major repairs on all appliances and equipment.
  5. **Fire Walls.** Fire walls for residential condominiums shall meet existing building code standards for the type of condominium proposed.
- E. Notice, Hearing, and Decision. Following review by the Director, a public hearing shall be conducted by the Commission in compliance with Chapter 16.88 (Review Procedures) for actions in which the Commission is the Review Authority.
1. Notice. Notification of the hearing shall be mailed to existing tenants of the project at least 10 days prior to the hearing.
  2. Findings. The Planning Commission shall not approve any condominium conversion project without first making the following findings:
    - a. The conversion will not result in a major displacement of existing tenants unable to find comparable housing, and the location of the conversion and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare.
    - b. The proposed conversion complies with the development standards in Subsection D (Development Standards), above.

3. Application Denial. Any pattern of unjust evictions, or any unreasonable rent increase or pattern of unreasonable rent increases in the proposed project within 18 months prior to application for a condominium conversion permit may be grounds for denial of the application.

F. Tenant and Buyer Protection.

1. Moving Assistance. Every elderly or handicapped tenant, or families with school age children, or families in the extremely low-, very low-, low-, and moderate-income brackets, shall receive active assistance from the permittee in finding comparable housing. All existing tenants whose tenancies have been terminated for the purpose of converting or selling their units shall receive reimbursement by permittee for moving costs not to exceed one (1) month's rent. In lieu of cash payments, permittee shall have the option of providing the equivalent reimbursement in free rent.
2. Relocation. Elderly (62 years of age), low-income, or handicapped tenants shall not be required to move from the project due to the conversion, nor be subjected to unreasonable rent increases. However, if a tenant's 90-day exclusive right to purchase his or her unit expires or the tenant has provided written notice of his or her intention not to exercise the exclusive right to purchase his or her unit, the permittee may sell the unit to a third party with an express condition in the sales agreement or deed of trust that the buyer shall guarantee the existing tenants' rights to remain in the project and not be subject to the unreasonable rent increases.
3. Tenant Release. The filing of a tentative map or tentative parcel map and/or application for a condominium conversion permit, and notice to the tenants of the application, shall release any tenant desiring to move before the expiration of his or her lease from any durational requirements other than 30-days' written notice to the landlord.
4. Post-Conversion Tenants. Any person who rents or leases a unit in a project for which an application for a condominium conversion permit has been filed, shall be informed of the proposed conversion in writing prior to taking tenancy. The tenant is not eligible for the tenant protections provided by this Subdivision Ordinance for "existing tenants."
5. Use of Common Facilities. Existing tenants shall retain all privileges relating to the use of the pools, jacuzzis, saunas, laundry facilities, and other

common facilities, in compliance with the terms of their existing leases or rental agreements.

6. Cooling-Off Period. Any tenant or other prospective buyer who signs a binding agreement for purchase shall be released without penalty from that obligation if, within 72 hours, the buyer notifies the seller in writing of his or her desire to rescind the agreement.
7. Tenant Discounts. Each of the existing tenants of the proposed condominium conversion project shall be given notice that they have exclusive right to contract for the purpose of purchasing the unit they presently occupy under the same terms and conditions that the unit will be initially offered to the general public, or terms more favorable to the tenant. This exclusive right to purchase shall run for a period of not less than 90 days from the date of the issuance of the Department of Real Estate public report, or approval of a condominium conversion permit under this Development Code, whichever is later.
8. Pest Report. Prior to the signing of any binding agreement for purchase, a structural pest report shall be made available to the prospective purchaser.
- G. Certificate of Occupancy. In addition to the condominium conversion permit required by this section, every condominium conversion project shall require the issuance of a certificate of occupancy by the Building Division. No certificate shall be issued until the condominium conversion permit is issued and there has been compliance with all ordinance requirements.
- H. Expiration of Condominium Conversion Permit. A condominium conversion permit shall lapse and become void 36 months after the date on which the permit became effective, unless a certificate of occupancy is issued prior to the expiration date. A condominium conversion permit may be extended by the Commission upon the written request of the permittee prior to the initial expiration date.
- I. Resubmittal of Application After Denial. The resubmittal of an application for a condominium conversion permit within one (1) year of denial shall require the consent of the Commission or Council. (Ord. 2020-12-01-1502 C.S. § 40; Ord. 015-09 C.S., eff. 12-3-09; Ord. 001-08 C.S. § 32; Ord. 023-07 C.S. § 124; prior code § 16-650.030)

## **SECTION XXXVI: AMENDMENT OF CODE**

Title 16, Division 6, Chapter 16.210 of the Stockton Municipal Code (SMC) is amended to read, as follows:

## **Chapter 16.210      Urban Lot Splits**

### **16.210.010            Applicability**

This Chapter provides procedures and standards for urban lot splits in accordance with the requirements of Government Code Section 66411.7. The standards granted per Government Code pertaining to Urban Lot Splits, shall preempt and supersede any local standards that conflict with the allowances granted under State law.

### **16.210.020            Filing and Processing**

Urban Lot Split applications consistent with Government Code Section 66411.7, shall be processed in accordance with Chapter 16.192, Parcel Maps and Final Maps.

### **16.210.030            Application**

- A.    **Ministerial Review.** Notwithstanding any other provision of this Code, an application for an urban lot split shall be considered ministerially, without discretionary review or a hearing, and shall be approved if it meets all of the requirements of this chapter and of Chapter 16.192, Parcel Maps and Final Maps.
- B.    **Supplemental Application.** The applicants shall complete the Checklist for SB9 Urban Lot Split Parcel Maps Applications and shall provide the “Urban Lot Split Checklist” in conjunction with either a Building Permit application and/or Planning Application Parcel Map (Urban Lot Split).
- C.    **Map Act.** The form of the parcel map associated with an urban lot split shall conform to the requirements of the Map Act and Chapter 16.192, Parcel Maps and Final Maps.

### **16.210.040            Standards**

- A.    All Urban Lot Split applications shall adhere to Government Code Section 66411.7.
- B.    Urban Lot Split are only permitted in the RL (Residential, Low Density) zoning district. Parcels created by an urban lot split shall only be used for residential uses,

notwithstanding the fact that other uses may be permitted in the zoning district in which the parcels are located;

- C. Shall not have been created through a previous urban lot split and may not be further subdivided by a subsequent urban lot split; and
- D. Shall not be adjacent to a parcel that was previously subdivided through an urban lot split by the owner of the parcel or any person acting in concert with the owner.
- E. An urban lot split shall result in no more than two parcels.
- F. Side and rear setbacks shall be three feet from the property lines. No setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.
- G. Each dwelling unit shall provide off-street parking space consistent with Government Code Section 66411.7 and SMC Chapter 16.22 (Parking and Loading Standards) when applicable. This includes any state preemptions for reductions to required parking amounts.
- H. Easements shall be required for the provision of public services and facilities.
- I. The proposed parcels shall have access to, provide access to, or adjoin the public right-of-way.
- J. Notwithstanding the requirements of this Chapter or the Development Code, dedications of rights-of-way or the construction of off-site improvements for the parcels being created shall not be required.
- K. The design and layout of any proposed parcel improvements shall conform to the objective standards per the Standard Specifications and Plans adopted by Council on September 27, 2016 (Resolution 2016-09-27-1213) that are in effect at the time of the parcel map application submittal.
- L. The parcel map created pursuant to an urban lot split shall contain a note on the map, and respective deed restrictions shall be recorded with the San Joaquin County Recorder's Office, indicating that parcels resulting from the urban lot split were created using the provisions of this Chapter and Government Code Section 66411.7, and that no further subdivision of the parcels is permitted. The deed restrictions shall not apply to an applicant that is a "community land trust," as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code, or is a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code.



- M. The proposed urban lot split shall comply with all other applicable objective requirements of the Subdivision Ordinance and the Map Act Section 66410 et seq., except as otherwise provided for in this Chapter. In the event of a conflict between the requirements of this Chapter and the requirements contained elsewhere in this Development Code, the provisions of this Chapter shall apply to the review and approval of urban lot splits.

## **SECTION XXXVII: AMENDMENT OF CODE**

Title 16, Division 7, Chapter 16.214 of the Stockton Municipal Code (SMC) is amended to read, as follows:

### **Chapter 16.214 Requests for Reasonable Accommodation**

#### **16.214.010 Purpose**

This Chapter establishes the procedures to request reasonable accommodation for persons with disabilities seeking equal access to housing under the California Fair Employment and Housing Act, the Federal Fair Housing Act, and the Americans with Disabilities Act (“the Acts”) in the application of zoning law and other land use regulations, policies, procedures, and conditions of approval.

#### **16.214.020 Applicability**

- A. A request for reasonable accommodation may be made by any person with a disability, their representative, or any other entity, including those who are associated with people with disabilities, including providers and developers of housing for people with disabilities, when the application of zoning law or other land use regulation, policy, or procedure acts as a barrier to fair housing opportunities. A person with a disability is an individual with a physical or mental impairment that limits one or more major life activities; anyone who is regarded as having any such impairment; or anyone who has a record of having such an impairment. Federal and state fair housing laws protect individuals in recovery from drug or alcohol abuse. However, individuals currently using illegal substances are not protected under the law, unless they have a separate disability. This Chapter is intended to apply to those persons who are defined as disabled under the Acts.

- B. A request for reasonable accommodation may include a change or exception to the practices, rules, and standards for the development, siting, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

#### **16.214.030 Review Authority**

The Director shall act as the Review Authority for reasonable accommodation applications based on consideration of the requirements of this Chapter. Requests submitted for concurrent review with another discretionary land use application shall be reviewed by the Review Authority for the discretionary land use application.

#### **16.214.040 Procedures**

- A. **Application.** Requests for reasonable accommodation shall be submitted on an application form provided by the Director, or in the form of a letter, to the Director and shall contain the following information:
1. The applicant's name, address and telephone number. Not only may a person with a disability file an application, but also an organization serving people with disabilities (e.g. sober living homes, transitional or supportive housing for people with disabilities, etc.)
  2. Address of the property for which the request is being made.
  3. The current actual use of the property.
  4. The basis for the claim that the individual, or individuals being served, is considered disabled under the Acts.
  5. The municipal code provision, zoning ordinance provision, or other regulation or policy from which reasonable accommodation is being requested.
  6. Why the reasonable accommodation is necessary to make the specific property accessible to the individual. The City shall ensure confidentiality of the person with a disability's contact and medical information.
  7. Additional information necessary for City staff to facilitate proper consideration of the request, consistent with the Acts.

- B. Public Noticing and Public Hearing Not Required. A reasonable accommodation request does not require public notice or a public hearing.
- C. Decision. The Director shall make a written determination within 30 days of the application being deemed complete and either approve, modify, or deny a request for reasonable accommodation in compliance with Section 16.214.050 (Required Findings).
  - 1. If the request is denied because it would impose an undue financial and administrative burden on the City and/or would require a fundamental alteration to the zoning or building laws, policies or procedures of the City, the Director or their designee must engage in an interactive process with the person seeking the accommodation to determine if there is another reasonable accommodation that may provide an equivalent level of benefit.

#### **16.214.050 Required Findings**

The Director must make all of the following findings in order to approve or conditionally approve request for reasonable accommodation that will be consistent with the Acts.

- A. The housing, which is the subject of the request, will be used by an individual defined as disabled under the Acts;
- B. The request for reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts;
- C. The conditions imposed, if any, are necessary to further a compelling public interest and represent the least restrictive means of furthering that interest; and
- D. The denial of the reasonable accommodation request would conflict with any State or federal statute requiring reasonable accommodation to provide access to housing.

#### **16.214.060 Conditions of Approval**

In granting a request for reasonable accommodation, the Director may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required herein.

#### **16.214.070 Appeals, Expiration, Extensions, and Revisions**

- A. Appeals. Reasonable accommodation decisions may be appealed as provided for in Section 16.100 (Appeals). At the applicant's request, the details of the person and/or their disability may be kept confidential should an appeal trigger the need for a public hearing.
- B. Expiration, Extensions, and Revisions. Reasonable accommodations granted under this Chapter are effective and may only be extended or revised as provided for in Chapter 16.96 (Expirations and Extensions). A reasonable accommodation shall terminate if the accommodation is no longer required, or if the recipient of the accommodation no longer resides at the property.
- C. Revocation. Reasonable accommodation approval may be revoked or modified pursuant to Chapter 16.108 (Revocation and Modification) if any of the conditions or terms of the approval are violated or if any law or ordinance is violated.

#### **SECTION XXXIII: AMENDMENT OF CODE**

Title 16, Division 7, Chapter 16.220, Section 16.220.105 of the Stockton Municipal Code (SMC) is amended to read, as follows:

#### **16.220.105 Demolition or relocation of historic resources.**

- A. **Purpose.** The purpose of this Chapter is to ensure that no person shall demolish or relocate a historic resource without approval of a historic resource demolition or relocation permit and a permit for a replacement building, structure or project. The City of Stockton recognizes the importance of cultural and historic preservation to the community's continued social and economic vitality. By reusing, restoring, and adapting historic resources to the needs of today, the community can effectively conserve energy and resources of past generations, while minimizing waste, current energy, and materials usage.
- B. **Applicability.** A historic resource demolition/relocation permit is required for all activities and developments specifically identified in Section 16.36.060 (Demolition and Relocation of Buildings), and/or any other section of this Code that requires a historic resource demolition/relocation permit.
- C. **Procedures**
  - 1. ***Determination Review.***

a. *Filing.*

- i. An application for a demolition/relocation permit shall be completed and filed, with any applicable fee, with the Department.
- ii. All applications shall be accompanied by information and documentation necessary to make a preliminary determination, including the following, as applicable:
  - (1) Plans, photographs, renderings, working drawings, specifications, Sanborn Maps, historical surveys, postcards, diaries, newspaper articles, interviews, and historical data, showing or describing the building, structure, or site, including the following, as applicable: architectural design, nature and texture of materials, color, lighting, method of construction and landscaping, and any other items which may demonstrate historical significance.
  - (2) Historical or Cultural resource study for any demolition of commercial structures.
  - (3) A site plan that shows all existing buildings, structures, and site features, and identifies those proposed for demolition or relocation.

b. *Noticing.*

- i. Within 45 days of receipt of a complete application, the Director shall make a preliminary determination.
- ii. With concurrence of the applicant, the time by which the Director may extend the 45-day preliminary review time period shall be limited to an additional 30 days.

c. *Staff Review.*

- i. Completeness. All applications shall be reviewed for completeness per Section 16.84.050 (Initial application review and environmental assessment).
- ii. Evaluation. All projects shall be routed to the applicable departments and agencies for completeness review and historic determination. This includes evaluation by an ad-hoc committee of the CHB as needed.

iii. Criteria. In making the preliminary determination, the Director shall apply the criteria specified by the most current revision of the U.S. Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" and the California Environmental Quality Act ("CEQA").

d. *Director Determination.*

i. At the completion of the application review by Staff, the Director shall:

(1) Determine the proposed application does not include a significant historic or cultural resource(s) and shall proceed in obtaining a building permit consistent with subsection 16.220.105.C.2 (Findings of No Historic Significance); or

(2) Determine the proposed application does include any significant historic or cultural resource(s) and shall proceed in obtaining the necessary approvals consistent with subsection or 16.220.105.C.3 (Findings of Historic Significance) below.

2. ***Finding of No Historic Significance***

a. *Noticing.*

i. A notice of the Director's Determination will be sent to all property owners within 300 feet of the proposed project site, along with a copy to the Cultural Heritage Board.

ii. All determinations are subject to a 10-day appeal before becoming effective.

b. *Appeals.*

i. All appeals to Director Determinations or Decisions are subject to the Appeal process of Chapter 16.100 (Appeals).

ii. Should the Review Authority for the Appeal determine that the proposed project site has significant historic or cultural resources, the application shall proceed as defined by 16.44.030.C (Findings of Historic Significance) below.

3. ***Findings of Historic Significance.***

- a. *Determination.* Upon determination that the building or structure is a potential historic resource, the applicant shall submit, at their sole expense:
  - i. The appropriate environmental documentation; and a complete development application for a replacement building or structure or entitlements for a project for the property involved.
- b. The Director shall place the application and draft environmental document on the next available regularly scheduled Board meeting for review and recommendation.

4. ***CHB Review of Historic Resources***

- a. *Board's Action.* The Board shall conduct a public hearing in compliance with Section 16.88.050(C) (Public hearing review procedure) for recommendation in which the Planning Commission is the Review Authority, including review of applicable environmental documents and the demolition or relocation application:
  - i. Notice. Notice of time, place, and purpose of the hearing shall be given not less than ten days before the date of the hearing by publication in a newspaper of general circulation in the City and by mailing to the owner(s) of the subject property by certified mail, in compliance with Section 16.88.030 (Public hearing notices).
  - ii. Hearing. After the hearing is conducted, the Board shall:
    - (1) Recommendation. Recommend approval, conditional approval, or denial of the application.
    - (2) Resolution. The resolution shall contain applicable findings and any conditions of approval deemed necessary to mitigate any impacts and protect the public health, safety, and welfare of the City.
  - iii. Notification of Recommendation. Following the Board's action, a notice of the recommendation shall be mailed to the applicant at the address shown on the application.
  - iv. Referral to Planning Commission. The recommendation of the Board shall be forwarded to the Planning Commission as part

of the complete development application submitted in accordance with Section 16.220.105.C.3.a.i.

5. ***Commission Review of Historic Resources.***

a. ***Commission Action.*** The Commission shall conduct a public hearing in compliance with Section 16.88.050(C) (Public hearing review procedure) for action in which the Commission is the Review Authority, including review of applicable environmental documents and the demolition or relocation application:

i. ***Notice.*** Notice of time, place, and purpose of the hearing shall be given not less than ten days before the date of the hearing by publication in a newspaper of general circulation in the City and by mailing to the owner(s) of the subject property by certified mail, in compliance with Section 16.88.030 (Public hearing notices).

ii. ***Hearing.*** After the hearing is conducted, the Commission shall:

(1) ***Action.*** Approval, conditional approval, or denial of the application.

(2) ***Resolution.*** The resolution shall contain applicable findings in accordance with Section 16.220.105.C.6 (Findings for Demolition or Relocation), any conditions of approval, certification/adoption of the environmental document, and reporting/monitoring requirements deemed necessary to mitigate any impacts and protect the public health, safety, and welfare of the City.

iii. ***Appeal.*** The decision of the Commission may be appealed to the City Council in compliance with Chapter 16.100 (Appeals).

6. ***Findings for Demolition or Relocation.*** No building or structure on an eligible property shall be demolished or relocated unless the Commission makes the following findings.

a. ***Approval.*** Prior to approval, the Commission shall find that:

i. The environmental document has been completed in compliance with CEQA, State CEQA Guidelines, and City Guidelines for the Implementation of CEQA, and adopt a Statement of Overriding Considerations as applicable; and



- ii. The action proposed is consistent with the purposes of historic preservation as set forth in this Chapter and the General Plan; or
  - iii. There are no reasonable alternatives to the demolition or relocation as of the time of the hearing.
- b. *Denial.* Prior to denial, the Commission shall find that there are reasonable alternatives to the demolition or relocation as of the time of the hearing as demonstrated by the facts in the record.

## **SECTION XXXIX: AMENDMENT OF CODE**

Title 16, Division 8, Chapter 16.240 of the Stockton Municipal Code (SMC) is amended to read, as follows:

### **Chapter 16.240 Definitions/Glossary**

#### **16.240.010 Purpose of chapter.**

This chapter provides definitions of terms and phrases used in this Development Code that are technical or specialized, or that may not reflect common usage. If any of the definitions in this chapter conflict with definitions in other provisions of the Municipal Code, these definitions shall control for the purposes of this Development Code. If a word is not defined in this chapter, or other provisions of the Municipal Code, the Director shall determine the most appropriate definition. (Prior code § 16-800.010)

#### **16.240.020 Definitions of specialized terms and phrases.**

As used in this Development Code, the following terms and phrases shall have the meaning ascribed to them in this section, unless the context in which they are used clearly requires otherwise. These definitions are in alphabetical order.

—A—

**Access.** The physical arrangement for ingress to and egress from a parcel or structure (e.g., driveway, walkway, stairs, etc.).

**Accessory Living Quarters.** See "Guest house."

**Accessory Residential Uses and Structures.** Any use and/or structure that is customarily a part of, and clearly incidental and secondary to, a residence and does not change the character of the residential use. These uses include the following detached accessory structures, and other similar structures normally associated with a residential use of property:

- garages
- gazebos
- greenhouses
- parking lots (except parking for single-unit dwellings, duplexes and triplexes)
- spas and hot tubs
- storage sheds
- studios
- swimming pools
- tennis and other on-site sport courts
- workshops

Also includes the indoor storage of automobiles (including their incidental restoration and repair), personal recreational vehicles and other personal property, accessory to a residential use. Does not include home satellite dish and other receiving antennas for earth-based TV and radio broadcasts; see "Communications facilities."

**Accessory Retail Uses.** The retail sales of various products (including food) in a store or similar facility that is located within a health care, hotel, office, or industrial complex for the purpose of serving employees or customers, is not visible from public streets, and has no outside advertising. Examples of these uses include: pharmacies, gift shops, and food service establishments within hospitals; convenience stores and food service establishments within hotel, office and industrial complexes.

**Accessory Structure.** See "Structure."

**Accessory Use.** See "Use, accessory."

**Acreage (Gross).** The total area of a parcel including all of the easements not included in net acreage, and rights-of-way.

**Acreage (Net).** The total area of a parcel excluding areas within deeded or dedicated road easements or road easements that have been offered for dedication; areas

dedicated to a public agency for parks, public buildings, schools, street right-of-way; private park and recreation facilities; and utility easements.

**Adaptive Reuse.** A construction or remodeling project that reconfigures existing spaces, structures or buildings to accommodate a new use or to accommodate another purpose than what it was originally designed for.

**Advertising Structure.** A structure which supports a sign.

**Affordable Housing.** Housing capable of being purchased or rented by a household with very low, low, or moderate income, based on a household's ability to make monthly payments. Housing is considered affordable when a household pays less than 30 percent of its gross monthly income for housing and utilities. Also see "Household income."

**Affordable Rent.** Monthly housing expenses, including a reasonable allowance for utilities, for rental target units reserved for very low- or low-income households, as defined by the California Department of Housing and Community Development. Income levels shall be based on Average Median Income (AMI) and not exceed the following calculations:

Extremely low income: 0 to 30 percent of AMI.

Very low income: 30 percent to 50 percent of AMI.

Lower income: 50 percent to 80 percent of AMI; the term may also be used to mean 0 percent to 80 percent of AMI.

Moderate income: 80 percent to 120 percent of AMI.

**Affordable Sales Price.** A sales price at which very low and low-income household can qualify for the purchase of target units, calculated on the basis of underwriting standards of mortgage financing available for the development.

**Agent.** A person authorized in writing by the property owner to represent and act for a property owner in contacts with City employees, committees, Commissions, and the Council, regarding matters regulated by this Development Code.

**Agriculture.** The breeding, raising, pasturing, and grazing of livestock, for the production of food and fiber; the breeding and raising of bees, fish, poultry, and other fowl; and the planting, raising, harvesting, and producing of agricultural, aquacultural, horticultural, and forestry crops.

**Airport (Major Impact Facility).** Any area of land or water used for the landing and take-off of aircraft as well as any appurtenant areas used for airport buildings, aircraft

operations, and related facilities, including aprons and taxiways, control towers, hangers, safety lights, and structures. Such facilities may also include parachute jump areas and FAA-certified parachute lofts; and facilities for aircraft manufacturing, maintenance, repair, and reconditioning. Public airports may include aircraft sales and dealerships, beauty and barber shops, car rental establishments, gift shops, hotels and motels, restaurants and bars, tobacco and news stands, and other similar commercial uses serving the air-traveling public and airport employees. Also includes agricultural, personal, restricted, and public use landing strips, defined as follows:

**1. *Agricultural or Personal Landing Strip.*** A landing strip or heliport for agricultural crop dusting or personal use of the tenant or owner of the site, not available for public use, and with no commercial operations.

**2. *Restricted Use Airfield.*** A landing strip or heliport with exclusive rights of use reserved to the owners or tenants of units within any cluster development, multi-unit development, subdivision, industry, or institution, with not more than 10 based aircraft; or an emergency heliport in conjunction with a hospital or public safety facility.

**3. *Public Use Airfield.*** Any landing strip, airport, or heliport available for public use, or listed in the Airport Directory of the current Airman's Information Manual or in the Pacific Airman's Guide and Chart Supplement.

**Airport Land Use Commission (ALUC).** The San Joaquin County Airport Land Use Commission, responsible for the administration of the Airport Land Use Plan prepared by the San Joaquin County Council of Governments.

**Airport Overlay Zones.** Areas on the ground around, and in the air above, the Stockton Municipal Airport where aircraft operations occur. The airport zones are established by Chapter 16.28 (Overlay Zoning District Land Use and Development Standards) of this Development Code.

**All-Weather Surfacing.** A roadway surfacing material that will allow the roadway to be safely traversed by a passenger vehicle during any common weather condition.

**Alley.** A public or private roadway, generally not more than 30 feet wide that provides vehicle access to the rear or side of parcels having other public street frontage, that is not intended for general traffic circulation.

**Allowed Use.** A use of land identified by Division 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards) as a permitted or conditional use that may be established with land use permit and, where applicable, by site plan, site plan and design

review, and/or building permit approval, subject to compliance with all applicable provisions of this Development Code.

**Alteration.** Any construction or physical change in the internal arrangement of rooms or the supporting members of a structure, or a change in the external appearance of any structure, not including painting or replacement in-kind.

**Amusement Devices.** Any amusement machine or device operated by means of the insertion of a coin, token, or similar object for the purpose of gaming, as a contest of skill or amusement of any description (e.g., electronic game machines, pinball machines, shooting galleries, bowling games, shuffleboard, movie machines, etc.).

**Ancillary Use.** A use that supports the principle or dominant use of a structure and that is located on the same parcel.

**Annual State License.** An annual commercial cannabis business license issued by the California Bureau of Cannabis Control, California Department Food and Agriculture, or California Department of Public Health.

**Antenna.** A device used in communications which transmits or receives radio signals, including the following.

**1. Antenna, Dish.** A dish-like antenna used to link communication sites together by wireless transmissions of voice or data. Also called microwave dish antenna.

**2. Antenna, Panel.** An antenna or array of antennas that are flat and rectangular and are designed to concentrate a radio signal in a particular area. Also referred to as a directional antenna.

**3. Antenna, Satellite or Dish.** An antenna for the home, business, or institutional reception of television, data, and other telecommunications broadcasts from orbiting satellites.

**4. Antenna, Whip.** An antenna that transmits signals in 360 degrees. These are typically cylindrical in shape and are less than six inches in diameter. Also called omnidirectional, stick or pipe antennas.

**Approved Point of Terminal Drainage.** A location where a drainage system is discharged into a natural or man-made stream or channel for final dispersion which has been approved by the City Engineer.

**Aquaculture.** 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.

**ARC.** The Architectural Review Committee of the City, referred to in this Development Code as "ARC."

**Architectural Element.** Any aspect of the exterior design of a building, including massing, articulation, fenestration, color, finish materials, details, roof, and wall design and features.

**Architectural Projection.** A building feature that is mounted on, and/or extends from, the surface of a building wall or façade, typically above ground level. Examples of architectural projections include balconies, bay windows, chimneys, lighting fixtures, etc.

**Assembly, Places of.** Any facility for the assembly of persons, animals, or vehicles, or a combination thereof, on public or private property for civic, educational, political, religious, entertainment, or social purposes, subject to the requirements of Section 16.80.080 (Assembly, places of).

**Auto Center.** A group of at least five automobile dealerships on at least three acres.

**Automated Teller Machine (ATM).** Computerized, self-service machines used by banking customers for financial transactions, including deposits, withdrawals and fund transfers, without contact with financial institution personnel. The machines may be located at or within banks, or in other locations.

**Avigation Easement.** An easement granted by a property owner to a public agency acknowledging that aircraft operations, with related noise and hazards, may occur within the air space overhead.

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**Back Office Facility.** Office space accommodating workers engaged in customer telephone support, information processing, mail order processing, telemarketing, and similar activities.

**Balcony.** Outdoor living space located on the second or higher floor of a building, enclosed by a railing or other safety barrier.

**Basement.** Habitable space within a structure where more than one-half of the distance from its floor to ceiling is below grade. Includes cellars.

**Bay Window.** A window and related structure which extends outward from an exterior building wall and thereby forms an alcove in the adjoining interior space.

**Beehive.** An enclosed, man-made structure in which honeybee species live and raise their young.

**Billboards.** See "Signs, off-premises."

**Block.** A parcel or group of adjacent parcels surrounded by public streets, highways, freeways, railroad rights-of-way, flood control or natural drainage channels, unsubdivided acreage, or any combination of these features.

**Blockface.** That portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets.

**Building.** See "Structure."

**Building Official.** The City of Stockton Director of the Community Development Department, or the Deputy Director, Building Division, or any duly designated representative.

—C—

**California Environmental Quality Act (CEQA).** State law (California Public Resources Code Sections 21000 et seq.) requiring public agencies to document and consider the environmental effects of a proposed action, prior to allowing the action to occur.

**Cannabis.** Shall have the same meaning as set forth in Business and Professions Code Section 26001(f) as the same may be amended from time to time.

**Cannabis.** All parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" shall also mean the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this chapter, "cannabis" does not mean "industrial hemp" as defined by Section 11018.5 of the Health and Safety Code.

**Cannabis Business.** A cultivator operator permit, distributor operator permit, manufacturer operator permit, non-storefront delivery operator permit, retailer operator permit, testing laboratory operator permit, or microbusiness operator permit, issued by the City pursuant to this chapter.

**Cannabis Cultivation.** Shall have the same meaning as set forth in Business and Professions Code Section 26001(l) as the same may be amended from time to time.

**Cannabis Cultivation Operator Permit.** A license issued by the City to plant, grow, harvest, dry, cure, grade, or trim cannabis and that holds an authorized Annual State License with an A- License or M-License designation.

**Cannabis Cultivation Site.** Shall have the same meaning as set forth in Business and Professions Code Section 26001(m) as the same may be amended from time to time.

**Cannabis Delivery.** Shall have the same meaning as set forth in Business and Professions Code Section 26001(p) as the same may be amended from time to time.

**Cannabis Dispensary.** Shall mean a retail location where medical and/or adult-use cannabis may be sold. For purposes of this chapter, "dispensary" shall also include a cooperative. "Dispensary" shall not include the following uses: (1) a clinic licensed pursuant to Chapter 1 of Division 2 of the California Health and Safety Code; (2) a health care facility licensed pursuant to Chapter 2 of Division 2 of the California Health and Safety Code; (3) a residential care facility for persons with chronic life-threatening illnesses licensed pursuant to Chapter 3.01 of Division 2 of the California Health and Safety Code; (4) a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the California Health and Safety Code; (5) a residential hospice or home health agency licensed pursuant to Chapter 8 of Division 2 of the California Health and Safety Code.

**Cannabis Distributor Operator Permit.** A permit issued by the City to procure, sell, and transport cannabis and cannabis products to a person or persons who hold an authorized Annual State License with an A-License or M-License designation.

**Cannabis Manufacturer Operator Permit.** A permit to conduct the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or re-packages cannabis or cannabis products or labels or re-labels its container to a person or persons who hold an authorized Annual State License with an A-License or M-License designation.

**Cannabis Manufacturing Site.** Shall have the same meaning as set forth in Business and Professions Code Section 19300.5 (a-f) as the same may be amended from time to time.



**Cannabis Non-Storefront Delivery Operator Permit.** A cannabis business that holds a valid retail Annual State License that delivers cannabis and cannabis products to customers from a licensed premises that is not accessible by or open to members of the public.

**Cannabis Nursery.** Shall have the same meaning as set forth in Business and Professions Code Section 26001(aj) as the same may be amended from time to time.

**Cannabis Retailer Operator Permit.** A retail storefront permitted by the City where medical and/or adult-use cannabis products can be sold. For purposes of this chapter, "retailer operator permit" shall also include a cooperative. "Retailer operator permit" shall not include the following uses: (1) a clinic licensed pursuant to Chapter 1 of Division 2 of the California Health and Safety Code; (2) a health care facility licensed pursuant to Chapter 2 of Division 2 of the California Health and Safety Code; (3) a residential care facility for persons with chronic life-threatening illnesses licensed pursuant to Chapter 3.01 of Division 2 of the California Health and Safety Code; (4) a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the California Health and Safety Code; or (5) a residential hospice or home health agency licensed pursuant to Chapter 8 of Division 2 of the California Health and Safety Code.

**Carport.** See "Garage or carport."

**Categorical Exemption.** As defined by Section 15354 of the State CEQA Guidelines (Title 14, California Code of Regulations), an exemption from CEQA for a class of projects based on a finding by the Secretary of Resources that the class of projects does not have a significant effect on the environment.

**Channel Area.** The area that is generally along the north and south shores of the Stockton Channel approximately between Weber Point and Louis Park. Specifically, it begins at the intersection of the centerlines of Weber Avenue and Center Street; then goes west along the centerline of Commerce Street; south along the centerline of Commerce Street to its intersection with the northerly right-of-way line of the Crosstown Freeway; follows the western and then northwestern right-of-way line to the intersection of the freeway and the eastern centerline of Mormon Slough; continuing west along the centerline of Mormon Slough to its intersection with the centerline of the Stockton Channel; then west along the centerline of the Stockton Channel to its intersection with the centerline of Monte Diablo Avenue; then east along the centerline of Monte Diablo Avenue to its intersection with the centerline of Ryde Avenue; then south along the centerline of Ryde Avenue to its intersection with the centerline of Monroe Street; then north along the centerline of Monroe Street to its intersection with the centerline of Park

Street; then along the centerline of Park Street to its intersection with the centerline of Center Street; and finally along the centerline of Center Street to the beginning point.

**Channelized Intersection.** Intersections which are striped to specifically identify travel lanes.

**City.** The City of Stockton.

**City Approved Plan.** Any plan approved by the City Engineer or authorized representative with the signed concurrence of the City Landscape Architect or any plan approved by the Council or City Landscape Architect.

**City Council.** The Stockton City Council, referred to in this Development Code as the "Council."

**City Engineer.** For purposes of this Development Code, the person(s) designated by the City Manager as the City Engineer, or a duly designated representative, to fulfill the duties of City Engineer in compliance with Section 16.212.080 (City Engineer), as well as other duties defined by this Development Code.

**City Landscape Architect.** An individual designated by the City Manager as Parks Facility Planner (Landscape Architect), or any duly designated representative.

**City Manager.** An individual designated by the Council as City Manager, or any duly designated representative of the City Manager.

**Code.** The Stockton Municipal Code.

**Collectibles.** Objects and artifacts favored and accumulated by collectors, including coins, stamps, sport cards, ceramics, and others.

**Collectives.** Businesses, farms, etc., jointly owned and operated by members of a group. Should be an organization that merely facilitates the collaborative efforts of patient and caregiver members, including the allocation of costs and revenues.

**Commercial Cannabis Activity.** The cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis or sale of cannabis and cannabis products or any other activity provided for in this code and in the Medicinal and Adult-Use Cannabis Regulation and Safety Act (Business and Professions Code, Division 10).

**Commission.** The City of Stockton Planning Commission, referred to in this Development Code as the "Commission."

**Common Interest Development.** A development that is created whenever a separate interest coupled with an interest in the common area or membership in the association is, or has been, conveyed. It includes a condominium, community apartment project, planned development, or stock cooperative, in compliance with Civil Code Section 1351.

**Communications Facility.**

**1. Amateur Radio Communication Facilities.** A facility for amateur radio communications which includes noncommercial antennas operated by a Federally licensed amateur radio operator.

**2. Antenna.** A device used in communications which transmits and/or receives radio or television signals, including dish, panel parabolic, and whip antennas.

**3. Citizen Band (CB) Radio Service.** A two-way voice communication service which does not require a license from the Federal Communications Commission (FCC).

**4. Co-location.** The locating of wireless communications equipment for multiple users on a single ground-mounted, roof-mounted, or structure-mounted facility.

**5. Equipment Shelter/Cabinet.** A building or cabinet used to house radio and computer equipment that is used for the transmission and/or reception of wireless radio signals.

**6. Ground-Mounted.** Mounted to a pole, monopole, lattice tower, or other freestanding structure specifically constructed for the purposes of supporting antennas and/or microwave dishes.

**7. Lattice Tower.** A structure with three or four steel support legs that supports a variety of antennas. These towers generally range in height from 60 to 200 feet and are constructed in areas where increased height is needed, microwave antennas are required, or where the weather demands a more structurally-sound design.

**8. Major Communication Facility.** A communication facility that

Is one of the following types of facilities:

A freestanding ground-mounted facility; or

A structure- or roof-mounted facility that is more than 10 feet above the roof ridge line; and

Does not qualify as a "Minor communication facility."

**9. Minor Communication Facility.** A communication facility that:

Is within the public right-of-way and structurally integrated into or on top of a light standard, utility pole, or a metal or precast concrete monopole (similar in design to a street light pole or street tree) or similar structure;

Is structure or roof-mounted so as not to be more than 10 feet above the roof ridge line, unless designed as a stealth facility; or

Is a co-location at lower height, structurally integrated, or a freestanding stealth facility.

**10. Microwave.** Spectrum frequencies from a GHz to 300 GHz; highly directional when used for radio frequency transmissions. Uses relatively low transmitter power levels when compared to other forms of transmission.

**11. Monopole.** A structure composed of a single spire used to support antennas and related equipment.

**12. Radio Frequency Radiation (RFR).** An emission of wireless communication caused by the movement of electromagnetic energy through space, which lies in the frequency range from three kHz to 300 GHz. This term is also used interchangeably with electromagnetic fields (EMP).

**13. Radome.** A dome or spherical-like cover fabricated for the protection and concealment of antennas.

**14. Roof-Mounted.** Antennas and/or equipment mounted above the roof ridge line of a structure.

**15. Roof Ridge Line (Also Known as Structure Ridge Line).** The line along the top of a roof or top of a structure.

**16. Stealth Facility.** A communications facility that is integrated or attached as part of a structure or is a freestanding monopole incorporating flush mounted antennas or a radome design.

**17. Structure-Mounted.** Mounted to, or as part of, a structure (e.g., a building, billboard, church steeple, freestanding sign, water tank, etc.).

**Community Apartment Project.** A development in which an undivided interest in land is coupled with the right of exclusive occupancy of any apartment on the land, as defined in Business and Professions Code Section 11004, and Civil Code 1351(d).

**Community Shopping Center.** See "Shopping center."

**Compact Residential Lots.** Lots of less than 5,000 square feet.

**Compatibility.** The capability of co-existing without conflict.

**Conditional Use.** A use of land identified by Division 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards) as being allowed in a particular zoning district subject to the approval of a use permit in compliance with Chapter 16.168 (Use Permits).

**Condominium.** As defined by Civil Code Section 1351, means a development where undivided interest in common in a portion of real property is coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map or parcel map. The area within the boundaries may be filled with air, earth, or water, or any combination thereof, and need not be physically attached to any land except by easements for access and, if necessary, support.

**Conducting Authority.** The legislative body authorized by the Local Agency Formation Commission to conduct proceedings for a boundary or organization change in compliance with Government Code Section 56029.

**Contiguous.** Next to, abutting, adjacent, or touching and having a boundary, or portion of it, that is in common. Two parcels will be considered to be contiguous even if there is an existing road, street, utility easement, river, or railroad right-of-way between them provided the underlying fee title of the road, street, utility easement, river, or railroad right-of-way is owned by the owner of the two parcels.

**Conversion.** A change from one land use to another.

**Cottage Food Operations.** A home-based business that can prepare and package non-potentially hazardous foods in a private home kitchen and has received a cottage food license from San Joaquin County Environmental Health Department.

**Council.** The City Council of the City of Stockton, referred to in this Development Code as the "Council."

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**Dedication.** The transfer of property by the owner to a public agency or utility for specific purposes such as streets, roads, utilities, and parks.

**Delineated Drainage Area.** An area identified in the 1973 Siegfried/Nolte study and amendments thereto as a drainage district or basin which is capable of being drained with an integrated drainage system of trunk lines and outfall works.

**Density.** The number of housing units per net acre, unless otherwise stated, for residential uses.

**Density Bonus.** See Section 16.40.030, Definitions.

**Department.** The Stockton Community Development Department, referred to in this Development Code as "Department."

**Design.** In relation to public improvements and subdivisions, design is street alignments, grades and widths; drainage and sanitary facilities and utilities, including alignments and grades; locations and size of all required easements and rights-of-way; fire roads; lot size and configuration; traffic access; grading; land to be dedicated for park or recreational purposes; and other specific requirements in the plan and configuration of the entire subdivision or development as may be necessary or convenient to insure conformity to or implementation of the General Plan or any adopted specific plan.

**Detached Structure.** Any structure that does not have a wall or roof in common with another structure.

**Developer.** A person, firm, corporation, partnership or association who proposes to develop or subdivide real property for oneself or others.

**Development.** Any subdivision, construction activity, or alteration of the landscape, its terrain contour or vegetation, including the erection or alteration of structures. New development is any construction, or alteration of an existing structure or land use, or establishment of a land use, after the effective date of this Development Code, and is subject to this Development Code.

**Development Agreement.** A contract between the City and an applicant for a development project, in compliance with Chapter 16.128 (Development Agreements) of this Development Code and Government Code Sections 65864 et seq. A development agreement is intended to provide assurance to the applicant that an approved project may proceed subject to the policies, rules, regulations, and conditions of approval applicable to the project at the time of approval, regardless of any changes to City policies, rules, and regulations after project approval. In return, the City may be assured that the applicant will provide infrastructure and/or pay fees required by a new project.

**Development Code.** The Stockton Development Code, Title 16 of the Stockton Municipal Code, referred to herein as "this Development Code."

**Development Standard.** A site or construction condition, including, but not limited to, height limits, required setbacks, maximum floor area ratio, on-site open-space

requirement, or required parking that applies to a residential development pursuant to any ordinance, General Plan, specific plan, Charter, or other local condition, law, policy, resolution, or regulation.

**Director.** The City of Stockton Community Development Director, referred to in this Development Code as the "Director."

**Downtown.** The area of the City of Stockton generally bounded by Fremont Street, Aurora Street, Hazelton Avenue, and Interstate 5.

**Downtown Core.** The area of the City of Stockton bounded by Park Street, Union Pacific Railroad tracks, the Crosstown Freeway, and Interstate 5 as illustrated by the Stockton 2040 General Plan.

**DRC.** The Development Review Committee of the City, referred to in this Development Code as the "DRC."

**Driveway.** A means of vehicular access from private property to traveled vehicular way which traverses public right-of-way.

**1. Nonresidential Driveway.** A driveway used for nonresidential purposes, including driveways used primarily by commercial vehicles for commercial purposes and to serve a business establishment.

**2. Residential Driveway.** A driveway used primarily by private passenger vehicles serving residential properties.

**Drug Paraphernalia.** As defined in California Health and Safety Code Section 11362.5 et seq., and as may be amended.

**Duplex.** Freestanding residential structures under single ownership containing two attached independent dwellings, each with one kitchen and direct outdoor access.

**Dwelling.** Any structure designed or used for the shelter or housing of one or more persons.

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**Effective Removal (Tree).** Any technique, operation, or activity that could lead to the permanent disfigurement, destruction, or the removal (as determined by the Director) of a tree, including any extreme pruning which is not consistent with proper urban forestry Arboriculture practices.

**Electric Vehicle Charging Station.** A station that is designed in compliance with the California Building Standards Code and delivers electricity from a source outside an

electric vehicle into one or more electric vehicles. An electric vehicle charging station may include several charge points simultaneously connecting several electric vehicles to the station and any related equipment needed to facilitate charging plug-in electric vehicles.

**Emergency Machinery, Vehicles, or Alarm.** Any machinery, vehicle or alarm used, employed, performed or operated in an effort to protect, provide or restore safe conditions in the community, or work by private or public utilities when restoring utility service.

**Emergency Work.** Work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

**Encroachment Permit.** A permit required to do excavations, construction, maintenance, and/or repairs in a public street, alley, or other public place, including working on public improvements or franchised utilities.

**Enlargement of Use.** The expansion of a land use activity on a site or within a structure so that the use/activity occupies more floor or site area than before the expansion.

**Entitlement.** An authorization from the City for development or the use of property.

**Environmental Assessment.** A detailed statement setting forth the environmental effects and considerations pertaining to a project as specified in the California Environmental Quality Act, and may mean either a draft or a final EIR, or an initial study leading to a negative declaration.

**Environmental Impact Report (EIR).** An informational document used to assess the physical characteristics of an area and to determine what effects will result if the area is altered by a proposed action, prepared in compliance with the California Environmental Quality Act (CEQA).

**Equity Program.** A program designed to promote equitable business ownership opportunities in the cannabis industry in order to decrease disparities in life outcomes for marginalized communities and address the disproportionate impacts of cannabis in adversely-impacted and lower income communities.

**Exaction.** A contribution or payment required as an authorized precondition for receiving a development permit.

**Explosives.** Any substance defined as an explosive by Health and Safety Code Sections 12000 et seq., and for which a permit is required by the Health and Safety Code.

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**Feasible.** Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

**Final Map.** A subdivision map prepared in compliance with Subdivision Map Act, Article 2, Chapter 2, and approved in compliance with Subdivision Map Act, Article 4, Chapter 3, that is used to complete the subdivision of five or more parcels.

**Finish Grade.** The ground elevation after the completion of grading operations.

**Floodplain Management.** The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans. This includes the following terms which shall have the same meanings as defined in California Government Code Section 65007.

Adequate Progress;

Developed Area;

Flood Hazard Zone;

National Federal Emergency Management Agency Standard of Flood Protection;

Nonurbanized Area;

State Plan of Flood Control;

Undetermined Risk Area;

Urban Area;

Urbanizing Area;

Urban Level of Flood Protection.

**Freeway.** Any highway that the owners of abutting lands have no right to easement of access to or from their abutting lands or the owners have only limited or restricted right or easement of access, that has no at-grade intersections or crossings, and that is under the jurisdiction of California Department of Transportation and has been declared to be a freeway in compliance with the California Streets and Highways Code.

**Frontage.** The portion of a lot that is adjacent to, and parallel to, the street right-of-way, including all contiguous property owned by or under the control of the applicant.

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**Garage or Carport.** Parking space and shelter for automobiles or other vehicles, where the size of the parking space complies with the provisions of Chapter 16.64 (Off-Street Parking and Loading Standards).

A garage is an attached or detached accessory structure with a door, enclosed on four sides.

A carport is an attached or detached accessory structure enclosed on no more than two sides.

**Garage Sale.** The sale or offering for sale to the general public of over five items of personal property on any portion of a lot in a residential zoning district, whether within or outside any building.

**General Plan.** The City of Stockton General Plan, including the policy document, background document, and land use and circulation diagram, and all amendments thereto, as adopted by the City Council under the provisions of Government Code Sections 65300 et seq., and referred to in this Development Code as the "General Plan."

**Grade.** See "Site/lot characteristics."

**Greater Downtown.** The area of the City of Stockton bounded by Harding Way, Charter Way/ Martin Luther King Jr. Boulevard, Pershing Avenue, and Wilson Way as illustrated by the Stockton 2040 General Plan.

**Guest House.** A detached structure of 400 square feet or more, accessory to a single-unit dwelling, accommodating living/sleeping quarters, but without kitchen or cooking facilities.

**Guest Room.** A room within the primary dwelling unit on a site which is designed and/or used by one or more guests for sleeping purposes, having no cooking facilities, and no separate entrance.

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**Height of Structure.** See Section 16.36.090 (Height measurement and height limit exceptions).

**Heritage Tree.** Any *Quercus lobata* (commonly known as "Valley Oak"), *Quercus agrifolia* (Coast Live Oak), and *Quercus wislizenii* (Interior Live Oak) tree which is located on public or private property within the limits of the City, and which has a trunk diameter of 16 inches or more, measured at 24 inches above actual grade. For Oak trees of the species mentioned above, with multiple trunks, the combined total trunk diameter shall be used for all trunks measuring six inches or greater measured at 24 inches above actual grade.

**Home Occupation.** The conduct of a business within a dwelling unit or residential site, employing only occupants of the dwelling, with the business activity being clearly subordinate to the residential use of the property, in compliance with Section 16.80.160 (Home occupations).

**Household.** One or more persons occupying a dwelling.

**Household Income.** The income of a family household with adjustments for usually high or low are income or housing costs and household size.

**1. Very Low-Income.** Household income within 50 percent of the area median family income.

**2. Low or Lower-Income.** Household income between the very low-income limit and 80 percent of the area median-family income.

**3. Moderate Income.** Household income between the lower-income limit and 120 percent of the area median-family income.

**4. Above Moderate Income.** Household income exceeding the moderate-income limit.

**Household Pets.** Small animals that are customarily kept for company or enjoyment within the home. Household pets include dogs, cats, tropical birds, fish, rabbits, lizards, and various rodents. Does not include wild animals (as defined in Section 6.08.150 of the Municipal Code), pigs and pot-bellied pigs, and roosters and cockerels.

**Housing Development.** For purposes of density bonus (Chapter 16.40), residential projects consisting of five or more residential units, including single-unit, multi-unit, and mobilehomes for sale or rent.

**Housing Unit.** See "Dwelling."

**Hydroponics.** A method of growing plants in a soil-less medium or an aquatic-based environment in which plant nutrients are distributed via water.

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**Ice Cream Commissary.** An establishment that services only ice cream motorized food wagons or other vendors that sell ice cream.

**Identification Card.** As defined in California Health and Safety Code Section 11362.5 et seq., and as may be amended.

**Improvement Standards.** Standard plans and specifications and other standards approved by the City Engineer that shall govern the improvements to be constructed in compliance with this Development Code.

**Improvements.** Street work, storm drainage, utilities and landscaping to be installed, or agreed to be installed, by the subdivider or developer on the land to be used for public streets, highways, and easements, as are necessary for the general use of the lot owners and local traffic; or to other specific improvements or type of improvements, the installation of which, either by the subdivider, by developers, by public agencies, by private utilities, by any other entity approved by the City or by a combination thereof, is necessary or convenient to insure conformity to or implementation of the General Plan or any adopted master development plan, precise road plan, or specific plan.

**Improvements, Public.** Public improvements mean and include the following items constructed within public streets, highways and easements:

- bridges and major thoroughfares
- curb, gutter and sidewalk
- fences
- fire hydrants
- public utilities
- railroad crossings
- sanitary sewer facilities
- storm drainage facilities
- storm drain and sanitary sewer pump stations
- street signs
- street structural section
- street lighting
- traffic signals
- tree wells and sprinkler system
- water facilities

**Infill Development.** Construction on a vacant parcel that is within an otherwise substantially developed area.

**Infill Site.** Vacant or developed property consisting of one legal lot, or a site with two or more contiguous, commonly-owned legal lots, which is a total of not more than five acres in size, is bounded on at least three sides by urban uses or development, and for which has existing water, sewer, drainage, streets, and schools. For Chapter 16.60 (Noise Standards), an infill site shall be defined as a site which, in addition to the above, is located (at the time of the adoption of the ordinance codified in this Development Code) on a site that is within the City, and either:

Within an "existing" or "projected" 60 dB Ldn transportation noise contour, as identified in the 1990 General Plan, as amended; or

Adjacent to a land use-related noise source exceeding the noise standards in Table 3-7, Part II.

**Institutional Use.** A nonprofit, educational, hospital, museum, public, or religious use (for example, church, public or private library, or school) or a government-owned or operated land use or structure used for a public purpose.

**Integrated Center.** A shopping center, office complex, automobile center, industrial park, institutional campus, or other group of commercial, industrial, or institutional uses and/or buildings that includes the following:

Two or more businesses or uses in one or more buildings located on one or more parcels;

A site of at least two acres; and

A site that is developed as follows:

So that it has shared, common access, and may have shared parking facilities and/or utilities;

So that it is not necessary to return to a public street to move from one area of the center to another; and

As a single project on parcels which may be separated by public rights-of-way or private streets or easements.

Integrated centers do not include parcels that have been developed as single entities before a discretionary application(s) that would create an integrated center was deemed complete.

**Intensification of Use.** A change in the use of a structure or site, where the new use is required by Chapter 16.64 (Off-Street Parking and Loading Standards) to have more off-

street parking spaces than the former use; or a change in the operating characteristics of a use (for example, hours of operation), which generate more activity on the site.

**Interim Terminal Drainage Facility.** A temporary facility approved by the City Engineer designed to handle the runoff from a 10-year storm as generated by one or more internal collection systems on an interim basis until an outfall work is constructed at an approved point of terminal drainage. Typical examples would be holding ponds, open ditches and temporary outfall works designed to handle less than the total discharge expected to be developed within a delineated drainage area.

**Internal Collection System.** A system of branches, laterals, catch basins and trunk lines within the boundaries of a subdivision or development designed to collect storm and surface runoff within the area and deliver it to a point on the perimeter of the subdivision or development. Internal collection systems shall be designed to accommodate drainage to the center line of all perimeter streets abutting the subdivision or development.

—J—

**Junk.** Discarded material or objects.

—K—

**Kiosk.** A small, freestanding open structure used as a newsstand; retail sales, refreshment, and/or information/service booth; and/or upon which temporary information and/or posters, notices, and announcements are posted.

**Kitchen or Kitchenette.** An area designed and/or used for the preparation of food, which includes any three of the following features:

- Cooking or food heating equipment, including a hot plate, microwave, oven, or range;

- A refrigerator or other device for cold storage;

- Cabinets, shelves, or other facilities for storage of food and/or utensils; or

- A sink and water supply.

—L—

**Land Use Permit.** Authority granted by the City to use a specified site for a particular purpose, including Commission use permits and administrative use permits (Chapter 16.168), planned development permits (Chapter 16.144), temporary activity permits (Chapter 16.164), variances (Chapter 16.172), home occupation permits (Chapter 16.132), site plan review (Chapter 16.152), and land development permits (Chapter

16.136), as established by Division 5 (Land Use and Development Permit Procedures) of this Development Code.

**Landscaped Freeway.** Any freeway or section thereof which is now, or hereafter may be, improved on at least one side of the freeway right-of-way by the planting of lawns, trees, shrubs, flowers or other ornamental vegetation requiring reasonable and continuing care, upkeep, and maintenance. Planting for the purposes of soil erosion control, traffic safety requirements, reduction of fire hazards, or traffic noise abatement, shall not change the character of a freeway to a landscaped freeway.

**Legal Structure.** A structure that was constructed in compliance with all City ordinances and regulations that were applicable at the time of construction.

**Livestock.** 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.

**Living Unit.** A group of individuals living together in a dwelling unit as a single housekeeping unit, not including a fraternity, sorority, club, rooming and/or boarding house, or institution of any kind.

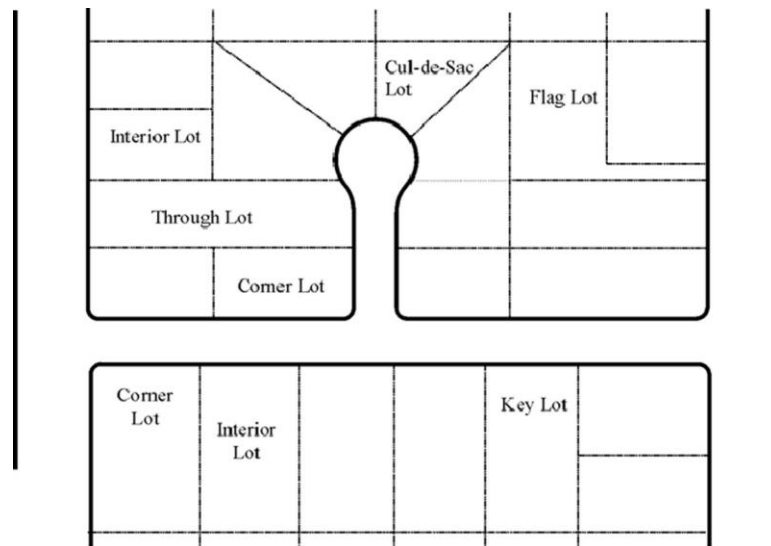
**Lot or Parcel.** A recorded lot or parcel of real property under single ownership, lawfully created as required by the Subdivision Map Act and City ordinances, including this Development Code. Types of lots include the following. See Figure 8-1 (Lot Types).

**1. Corner Lot.** A lot located at the intersection of two or more streets, where they intersect at an interior angle of not more than 135 degrees. If the intersection angle is more than 135 degrees, the lot is considered an interior lot.

**2. Flag Lot.** A lot having access from the building site to a public street by means of private right-of-way strip that is owned in fee.

**3. Interior Lot.** A lot abutting only one street.

**4. Key Lot.** An interior lot, the front of which adjoins the side property line of a corner lot. 5T.hrough Lot. A lot with frontage on two generally parallel streets.



**FIGURE 8-1 LOT TYPES**

**Lot Area.** See "Site/lot characteristics."

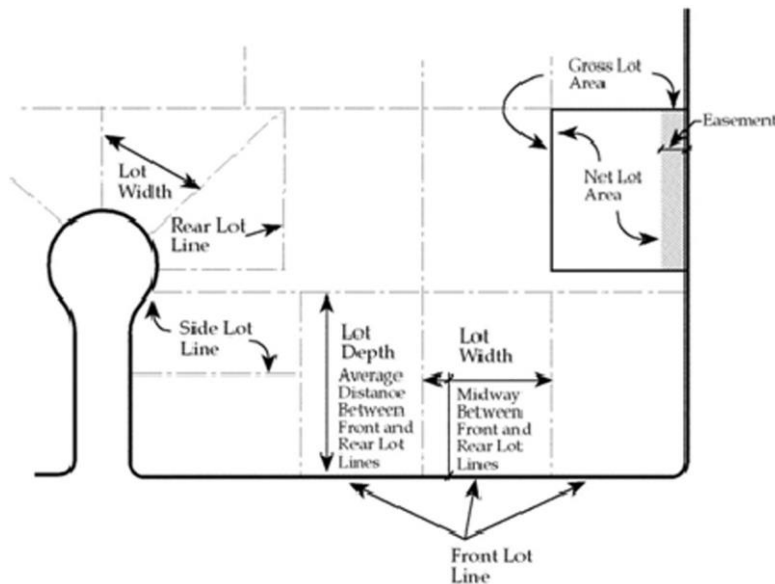
**Lot Coverage.** See "Site/lot characteristics."

**Lot Depth.** The average linear distance between the front and the rear lot lines or the intersection of the two side lot lines if there is no rear line. See Figure 8-2 (Lot Features). The Director shall determine lot depth for parcels of irregular configuration.

**Lot Frontage.** The boundary of a lot adjacent to a public street right-of-way.

**Lot Line Adjustment.** As provided by Map Act Section 66412(d), a lot line adjustment relocates one or more lot lines between two or more existing adjacent parcels, where land taken from one parcel is added to an adjacent parcel and where no more parcels are created than originally existed.





**FIGURE 8-2 LOT FEATURES**

**Lot Line or Property Line.** Any recorded boundary of a lot. Types of lot lines are as follows (see Figure 8-2 (Lot Features)):

- 1. Front Lot Line.** On an interior lot, the property line separating the parcel from the street. The front lot line on a corner lot is the line adjoining the street to which the property is addressed. If a corner lot has an address on more than one street, then the front line shall be the line with the shortest frontage. (If the lot lines of a corner lot are equal in length, the front lot line shall be determined by the Director.) On a through lot, both lot lines are front lot lines and the lot is considered to have no rear lot line.
- 2. Interior Lot Line.** Any lot line not abutting a street.
- 3. Rear Lot Line.** A property line that does not intersect the front lot line, which is most distant from and most closely parallel to the front lot line.
- 4. Side Lot Line.** Any lot line that is not a front or rear lot line.

**Lot of Record.** See "Lot or parcel."

**Lot Width.** The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines. See Figure 8-2 (Lot Features). The Director shall determine lot width for parcels of irregular shape.

—M—

**Magnolia Historic Overlay District.** The area that is coterminus with the City Magnolia historic preservation district.

**Manufactured Home.** See "Mobile/manufactured home."

**Map Act.** See "Subdivision Map Act."

**Massage Therapy.** The manipulation of body muscles or tissues, except "specified anatomical areas," by hand or mechanical device for therapeutic purposes, including prevention, rehabilitation, and healing, by a skilled professional who is certified as a massage therapist from a recognized school of massage in compliance with Chapter 5.48 of the Municipal Code and is an accredited program approved by the Council for private/post-secondary and vocational education from the State of California ("Medical services—Medical-related facilities"). Does not include "specified sexual activities" ("Adult-related establishments").

**Master Development Plan.** A comprehensive plan which identifies the distribution, location, and extent (e.g., density, intensity, etc) of land uses within a development site identified as Mixed Use or University designation on the General Plan, or within a specified geographical area, and identifies regulations and criteria for the development of the site.

**Medical Cannabis, Medical Cannabis Product, or Cannabis Product.** Shall have the same meanings as set forth in Business and Professions Code Section 26001(a) as the same may be amended from time to time.

**Medical and Adult-Use Cannabis Regulation and Safety Act or "MAUCRSA."** Shall mean Senate Bill 94, which passed June 2017, which integrated Medical Cannabis Regulation and Safety Act (MCRSA) and Adult Use of Marijuana Act (AUMA) to create a single regulatory system governing the medical and adult-use cannabis industry in California.

**Medicinal and Adult-Use Cannabis Regulation and Safety Act or "MAUCRSA".** Senate Bill 94, which passed June 2017, or Business and Professions Code, Division 10, which integrated Medical Cannabis Regulation and Safety Act (MCRSA) and Adult Use of Marijuana Act (AUMA) to create a single regulatory system governing the medical and adult-use cannabis industry in California.

**Merger.** The process authorized by the Map Act for the combining of two or more adjacent parcels into a single parcel of record, whereby the intervening lot lines are eliminated.

**"Microbusiness, Subtypes"** means the four different types of microbusiness combinations as permitted by State law, see "Microbusiness" above. The four subtypes are:

<b>RDC</b>	<b>RDM</b>	<b>RCM</b>	<b>DCM</b>
Retailer or	Retailer or	Retailer or	Distributor or
Retailer – Non-Storefront	Retailer – Non-Storefront	Retailer – Non-Storefront	Distributor – Transport Only
Distributor or	Distributor or	Cultivation	Cultivation
Distributor – Transport Only	Distributor – Transport Only	(less than 10,000 sq. ft.)	(less than 10,000 sq. ft.)
Cultivation	Manufacturer	Manufacturer	Manufacturer
(less than 10,000 sq. ft.)	(Level 1 Type 6)	(Level 1 Type 6)	(Level 1 Type 6)

**Midtown District.** The area that is bounded by Harding Way, El Dorado Street, Miner Avenue, and the Union Pacific Railroad track in the City of Stockton.

**Miracle Mile.** The Miracle Mile District generally includes all the businesses fronting on Pacific Avenue from Alpine Avenue to Harding Way, and those businesses on Harding Way from El Dorado Street to Lincoln Street as illustrated by the Stockton Citywide Design Guidelines.

**Mixed Residential.** A project with no more than three adjacent compact lots and with the average size of all lots being 5,000 square feet.

**Mobile Commissary.** Any vehicle used in conjunction with the commissary, as defined per Stockton Municipal Code Section 16.80.385, that travels to, and services, motorized food wagons as needed to replenish supplies, including food and potable water, clean the interior of the unit, or dispose of liquid or solid wastes.

**Mobile/Manufactured Home.** A trailer, transportable in one or more sections, that is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, which is over eight feet in width and 40 feet in length, with or without a permanent foundation and not including a recreational vehicle, commercial coach, or factory-built (modular) housing ("Single- unit dwelling"). A mobilehome on a permanent foundation is included under the definition of "Single-unit dwellings."

**Mobilehome Driveway.** A private thoroughfare that affords internal circulation through a mobilehome park.

**Mobilehome Lot.** A portion of a mobilehome park designated or used for the occupancy of one mobilehome.

**Mobile Vendor.** Any person who offers for sale and immediate delivery any food, goods, or merchandise from a moveable, non-motorized cart, push cart, or wagon which is not attached to another structure, does not have a fixed place of business, and is accessory to a primary use on the same private or public property. Includes street vendors and sidewalk vendors.

**Motorized Food Wagon.** Any vehicle as defined in Section 670 of the California Vehicle Code, which is equipped and used for retail sales of prepared; prepackaged; or unprepared, unpackaged food or foodstuffs of any kind on any public street, alley, highway, or private street, alley, or property within the City. For the purposes of this chapter, a motorized food wagon shall also include any trailer or wagon pulled by a vehicle.

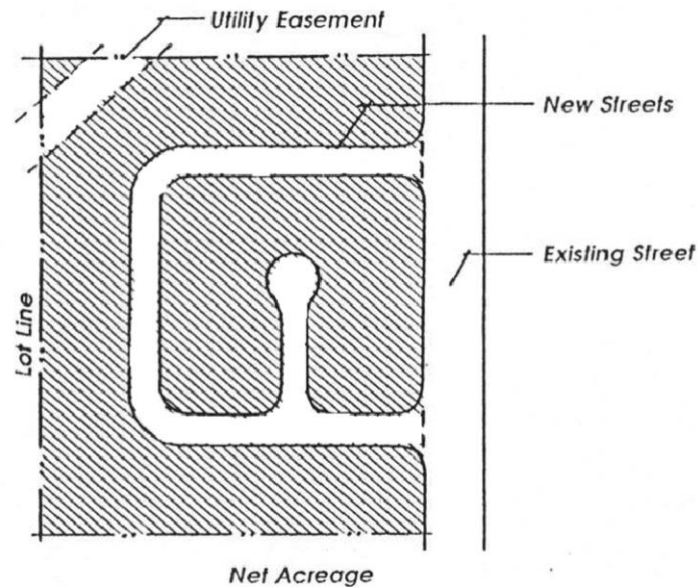
**Motorized Mobile Sales and Services.** A motorized vehicle used for the purposes of selling non- edible goods or merchandise or offering "Personal Services, Unrestricted" or "Animal Services, Pet Grooming," which does not have a fixed place of business and is accessory to a primary use on the same private or public property.

**Municipal Code.** The City of Stockton Municipal Code, as it may be amended from time to time by the Council.

—N—

**Negative Declaration (Neg Dec).** A written statement describing the reasons that a proposed project will not have a significant adverse effect on the environment and therefore does not require the preparation of an EIR, in compliance with the California Environmental Quality Act (CEQA).

**Net Acreage.** The total area within the lot lines of a lot or parcel of land after public streets, easements, or other areas to be dedicated or reserved for public use are deducted from the lot or parcel. See Figure 8-3.



**FIGURE 8-3 NET ACREAGE**

**Noise.** Any undesired audible sound. For standards, see Chapter 16.60 (Noise Standards). The following definitions apply to noise.

- 1. A-Weighted Sound Level.** The sound level in decibels as measured on a sound level meter using the A-weighting network. The level is designated dB(A) or dBA.
- 2. Acoustical Report or Study.** A report that analyzes proposed noise-sensitive and noise-generating projects to determine the potential exposure of existing or proposed noise-sensitive land uses to noise levels exceeding the City's adopted noise standards and to provide recommended measures to avoid/mitigate/attenuate such exterior and/or interior noise levels.
- 3. Ambient Noise.** The composite of all noise from sources near and far, excluding the alleged intrusive noise source. In this context, ambient noise shall constitute the normal or existing level of environmental noise at a given location.
- 4. Day-Night Average Sound Level (Ldn).** The equivalent energy, or energy average, sound level during a 24-hour day, obtained after the addition of 10 decibels to sound levels in the night after 10:00 p.m. and before 7:00 a.m., generally computed for annual average conditions.

**5. Decibel (dB).** A unit for measuring the amplitude of a sound, equal to 20 times the logarithm to the base of 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals.

**6. dBA.** The A-weighted scale for measuring sound in decibels; weighs or reduces the effects of low and high frequencies in order to simulate human hearing. Every increase of 10 dBA doubles the perceived loudness though the noise is actually 10 times more intense.

**7. Equivalent Sound Level (Leq).** The sound level containing the same total energy as a time- varying sound level over a given sample period, typically computed for a one hour sample period.

**8. Impulsive Noise.** A sound of short duration, usually less than one second and of high intensity, with an abrupt onset and rapid decay.

**9. Infill Lots.** For purposes of noise regulations, infill lots are vacant or developed lots of five or less acres that are substantially surrounded by development.

**10. Intrusive Noise.** The alleged offensive noise that intrudes over and above the existing ambient noise at the receptor property.

**11. Land Use-Related Noise Sources.** Any fixed or mobile noise source not preempted from local control by existing Federal or State regulations, including industrial and commercial facilities and vehicle movements on private property.

**12. Ln.** See "Day-night average sound level."

**13. Leq.** See "Equivalent sound level."

**14. Maximum Sound Level.** The highest level of sound that can be recorded during a noise event.

**15. Noise Disturbance.** An alleged intrusive sound that violates an applicable noise standard of Chapter 16.60.

**16. Noise-Impacted Infill Lots.** Lots which are currently, or will in the future be, impacted by transportation noise or by land use-related noise sources.

**17. Noise Level (Ln).** The level of noise expressed in decibels that exceeds the identified (Lx) value a percentage of total time measured. For example, an L25 noise level means that noise level is exceeded 25 percent of the time measured.

**18. Noise-Sensitive Land Uses.** Land which is occupied by, is zoned for, and/or has a General Plan designation that allows a use(s) for which serenity and quiet

are of extraordinary significance, serving an important public need, and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose. Includes land uses for residential uses, live-work space, offices, child care, religious facilities, academic schools and colleges and universities, libraries and museums, social services facilities, parks and playgrounds, conservation areas, funeral facilities, lodging facilities, and medical services.

**19. *Transportation-Related Noise Source.*** Traffic on public roadways, railroad line operations, and aircraft in flight or in the process of landing or taking-off.

**Nonconforming Parcel.** A parcel that was legally created prior to the adoption of the ordinance codified in this Development Code or which legally existed at the time of annexation, and which does not conform to current Code provisions/standards (e.g., access, area or width requirements, etc.) prescribed for the zoning district in which the parcel is located.

**Nonconforming Structure.** A structure that was legally constructed prior to the adoption of the ordinance codified in this Development Code and which does not conform to current Code provisions/standards (e.g., height, setbacks, open space, distance between structures, etc.) prescribed for the zoning district in which the structure is located.

**Nonconforming Use.** A use of a structure (either conforming or nonconforming) or land that was legally established and maintained prior to the adoption of the ordinance codified in this Development Code and which does not conform to current Code provisions governing allowable land uses for the zoning district in which the use is located.

**Non-Motorized Mobile Sales.** Any person who offers for sale and immediate delivery, any food, goods, or merchandise, from a moveable, non-motorized cart, push cart, or wagon, which is not attached to another structure, does not have a fixed place of business, and is accessory to a primary use on the same private or public property.

**Nontaxable Merchandise.** Products, commodities, or items the sale of which is not subject to California State sales tax.

—O—

**Occupancy.** The residing of an individual or individuals overnight in a dwelling unit; or the storage or use of equipment, merchandise, or machinery in any public, commercial, or industrial building.

**Off-Premises Sign.** See "Signs, off-premises."

**Open Land Development.** An area which is proposed for development into industrial, commercial, or residential densities. Typically, these areas are presently being farmed or utilized as open space and lack drainage systems and most other public improvements.

**Outdoor Activity Area.** The outdoor recreation areas for noise-sensitive land uses. For single- unit dwellings, it includes the lot's rear yard and/or side yard when the side yard is of a sufficient size to provide outdoor recreational opportunities. For multi-unit dwellings, it includes patios, balconies, common outdoor recreation areas, and swimming pool areas of the project. For other uses, it includes areas of sufficient size to provide outdoor recreational opportunities and/or areas for rest and relaxation.

**Outdoor Retail Sales, Temporary.** 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 Section 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 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)).

**Outfall Works.** A system of pumps, retention basins and/or sumps designed as a permanent drainage discharge system approved by the City Engineer and located at an approved point of terminal drainage.

**Overlay Zoning District, or Overlay Zone.** A supplementary zoning designation that is applied to property in addition to a primary zoning district to highlight special regulations



that apply to properties within the overlay district. The overlay zoning districts established by Section 16.16.020 (Zoning districts established).

—P—

**Parcel.** See "Lot or parcel."

**Parcel Map.** The subdivision map described by the Subdivision Map Act, Article 3, Chapter 2, which is required to complete a subdivision of four or fewer lots.

**Parking Assessment District.** An area within which property owners are taxed for the cost of the City providing parking facilities.

**Patio.** A typically paved outdoor area on the site of a dwelling that is used for lounging, dining, etc.

**Peripheral Street.** A street with its right-of-way contiguous to the exterior boundary of the subdivision or development, or whose right-of-way is adjacent to the exterior boundary of the subdivision or development separated only by an easement or right-of-way under the control of a public utility.

**Permitted Use.** A use of land identified by Division 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards) as being allowed in a particular zoning district.

**Person.** Any individual, firm, co-partnership, corporation, company, association, joint stock association; City, County, State, or district; and includes any trustee, receiver, assignee, or other similar representative thereof.

**Person With an Identification Card.** As defined in California Health and Safety Code Section 11362.5 et seq., and as may be amended.

**Planned Development.** As defined by Civil Code Section 1351(k), means a development (other than a community apartment project, condominium, or stock cooperative) having either or both of the following features:

The common area is owned either by an association or in common by the owners of the separate interests who possess appurtenant rights to the beneficial use and enjoyment of the common area; and/or

A power exists in the association to enforce an obligation of an owner of a separate interest with respect to the beneficial use and enjoyment of the common area by means of an assessment which may become a lien upon the separately owned parcel, or area in compliance with Civil Code Section 1367.

**Planning Commission.** The Stockton Planning Commission, appointed by the Stockton City Council in compliance with Government Code Section 65101, referred to throughout this Development Code as the "Commission."

**Playground.** An active recreational area with a variety of facilities, including equipment for younger children, as well as court and field games. Does not include play areas in conjunction with child care facilities (i.e., small family child care, large family child care, child care centers) or play areas located on the site of residential homes or facilities.

**Premises.** Contiguous land in the same ownership and which is not divided by a public highway, street, or alley.

**Primary Caregiver.** As defined in California Health and Safety Code Section 11362.5 et seq., and as may be amended.

**Primary Structure.** See "Structure."

**Primary Use.** See "Use, primary."

**Primary Zoning District.** See "Zoning district, primary."

**Private Garden.** 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.

**Problem Uses.** Uses that have a blighting and/or deteriorating effect upon their surroundings, and which may be dispersed to minimize their adverse impacts. These uses include billiard parlors and pool halls, card rooms, convenience stores, off-sales of alcoholic beverages, on-sale of alcoholic beverages that are not in conjunction with a restaurant, and parole offices. Problem uses are subject to the requirements of Section 16.80.270 (Problem uses).

**Produce.** 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.

**Produce Stands, Commercial.** 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 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.

**Produce Stands, Urban Agriculture.** A temporary produce stand that is accessory to an urban agriculture use.

**Product Assembly and Distribution.** See "Manufacturing, light manufacturing."

**Project Plan.** A plan for the physical development of an entire site, particularly for the development of shopping centers.

**Project Site.** For purposes of the landscaping requirements, Chapter 16.56 (Landscaping Standards), a project site is any site for which a final map has been approved by the Council or parcel map has been approved by the City Engineer or for which a building permit has been issued.

**Public Improvements.** See "Improvements, public."

**Public Nuisance.** Any condition that is caused, maintained, or permitted to exist in such a way as to:

- Constitute a threat to the public's health, safety, or welfare;

- Unreasonably offend or injure the senses;

- Be annoying, unpleasant, or obnoxious; or

- Significantly obstruct, injure, or interfere with the reasonable or free use of property.

**Public Place.** Any property that is owned, leased, or controlled by the City of Stockton, except rights-of-way and parks.

—Q—

**Qualifying Resident.** Senior citizens or other persons eligible to reside in senior citizen housing.

**Quiet Zone.** An area/zone along a designated railroad in which the sounding of locomotive horns is not required for grade-crossings that have conventional flashing lights and gates and are equipped with supplementary safety measures (SSMs) which comply with one of the following criteria:

- The average risk at the crossing is less than the national average for gated crossings where the train horn sounds (National Risk Threshold or NSRT); or

- Safety improvements are made that reduce the risk to a level either less than the NSRT or a level that compensates for loss of the train horn as a warning device.

—R—

**Recreational Vehicle (RV).** A motorhome, travel trailer, truck camper, or camping trailer, with or without motive power, originally designed for human habitation for recreational, emergency, or other occupancy, which meets all of the following criteria:

It contains less than 320 square feet of internal living room area, excluding built-in equipment, including wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms;

It contains 400 square feet or less of gross area measured at maximum horizontal projections;

It is built on a single chassis; and

It is either self-propelled, truck-mounted, or permanently towable on the highways without a towing permit.

**Remainder.** As part of a proposed subdivision, a portion of a parcel that is left undivided when other portions of the parcel are divided for the purpose of sale, lease, or financing, in compliance with Map Act Section 66424.6.

**Remainder, Designated.** As part of a proposed subdivision, a portion of any unit or units of improved or unimproved land that are designated by the subdivider as a remainder that is not divided for the purpose of sale, lease, or financing, in compliance with Map Act Section 66424.6.

**Rendering Plants.** Facilities engaged in the rendering of inedible stearin, grease, and tallow from animal fat, bones, and meat scraps ("Major impact facilities").

**Reverse Vending Machine Collection Facility.** A center where the public may donate, redeem, or sell recyclable materials using an automated mechanical device which accepts at least one or more types of empty beverage containers and issues a cash refund or redeemable credit slip with a value, as determined by State law. These vending machines may accept aluminum cans, glass and plastic bottles, and other containers. See "Recycling and waste facilities."

**Review Authority.** The individual or official City body (the Community Development Director, Planning Commission, or City Council) identified by this Development Code as having the responsibility and authority to review, and approve or disapprove the permit applications described in Division 5 (Land Use Development Standards).

**Revocable Permit.** A permit required to place a privately-owned improvement or object in the public right-of-way.

**Sales Floor Area.** Interior building space devoted to the sale of merchandise; it does not include restrooms, office space, storage space, automobile service area, open-air garden sales space, or outdoor sales area.

**Security.** Bonds, cash deposits, letters of credit, and/or other instruments acceptable to the City that are used to guarantee specific performance.

**Self-Distribution.** Distribution that is limited to cannabis products cultivated or manufactured onsite.

**Semitruck.** A heavy duty truck, usually with a large diesel engine and two or three axels, which is designed to haul long semitrailers for the transportation of freight.

**Senior Citizen.** In compliance with State and Federal law, means:

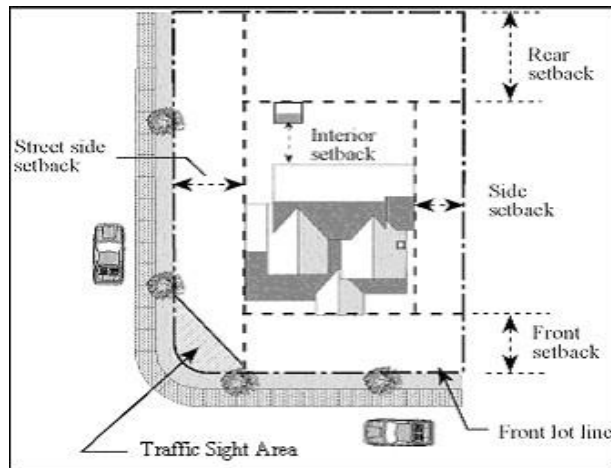
Persons at least 62 years of age; or

Persons at least 55 years of age in a senior citizen housing development.

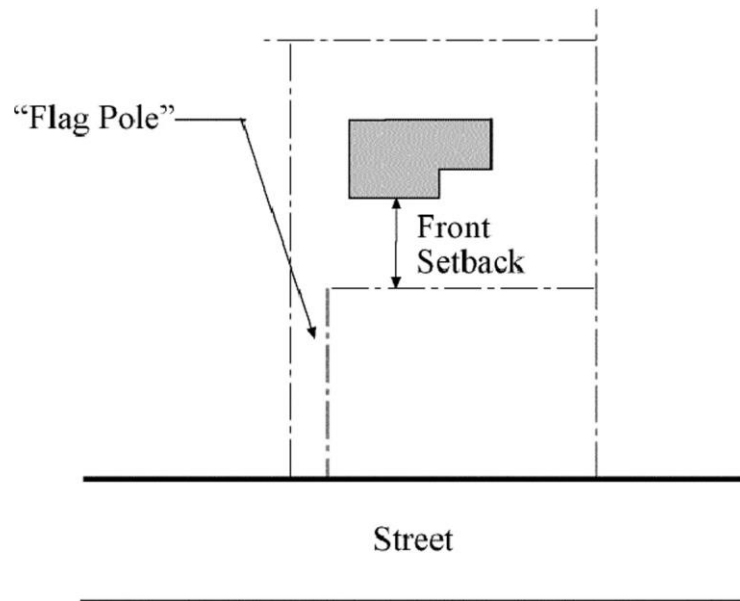
**Senior Citizen Housing.** A housing development consistent with the California Fair Employment and Housing Act (Government Code Section 12900 et seq., including Section 12955.9 in particular), which has been "designed to meet the physical and social needs of senior citizens," and which otherwise qualifies as "housing for older persons" as that phrase is used in the Federal Fair Housing Amendments Act of 1988 (P.L. 100-430) and implementing regulations and as that phrase is used in California Civil Code Sections 51.2 and 51.3.

**Serious Medical Condition.** As defined in California Health and Safety Code Section 11362.7 et seq.

**Setback.** The distance by which a structure, parking area or other development feature must be separated from a lot line. Setbacks from private streets are measured from the edge of the easement. See also "Yard." Figure 8-4 (Setbacks) shows the location of front, side, street side, rear, and interior setbacks.



**FIGURE 8-4 SETBACKS**



**FIGURE 8-5 FLAG LOT SETBACKS**

**Side-Entry Garage.** A garage with the front garage entry door perpendicular to the right-of-way.

**Sign.** Any structure, device, figure, painting, display, message placard, or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended, or used to advertise, or to provide data or information in the nature of advertising, to direct or attract attention to an object, person, institution, business, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. The following terms related to signs are used in this Development Code. See Figure 8-6.

**1. Abandoned Sign—Off-Premises.** An off premises sign that has not been maintained in compliance with the provisions of this Development Code for a period in excess of 30 days following legal notice to the owner of the property and/or owner of the advertising display, or tenant on whose property the advertising display is located that the sign does not meet minimum maintenance standards as determined by the Director.

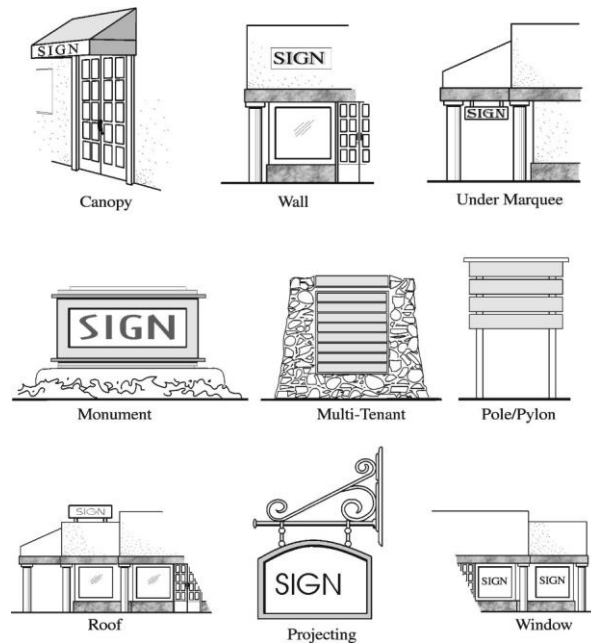
**2. Abandoned Sign—On-Site.** Any sign that is not maintained and advertises a business, lessor, owner, product, service, or activity that is no longer on the premises where the sign is displayed.

**3. Advertising Sign.** Any sign that provides copy intended to attract customers to purchase a product or service.

**4. Alteration.** Any change of copy, sign face, color, size, shape, illumination, position, location, construction, or supporting structure of any sign.

**5. Animated or Moving Sign.** Any sign which uses movement, lighting, or special materials to depict action or create a special effect to imitate movement.

**6. Awning Sign.** Any sign copy or logo attached to or painted on an awning.



**FIGURE 8-6 EXAMPLES OF SIGN TYPES**

**7. Banner, Flag, or Pennant.** Any cloth, bunting, plastic, paper, or similar nonrigid material used for advertising purposes attached to any structure, staff, pole, line, framing, or vehicle, not including official flags of the United States, the State of California, and other states of the nation, counties, municipalities, official flags of foreign nations and nationally or internationally recognized organizations.

**8. Bench Sign.** Copy painted on any portion of a bench.

**9. Business Identification Sign.** A sign which serves to identify only the name, address, and lawful use of the premises upon which it is located and provides no other advertisements or product identification.

**10. Changeable Copy Sign.** A sign designed to allow the changing of copy through manual, mechanical, or electrical means including time and temperature.

**11. City-Owned or Controlled Property.** Real property that the City of Stockton either owns in fee title or has a sufficient legal interest in through an easement, lease, right-of-way, or some other instrument to be able to use the property for the purposes of this title.

**12. Civic Event Sign.** A temporary on-site sign, other than a commercial sign, posted to advertise a civic event sponsored by a public agency, private school, church, civic-fraternal organization, or similar noncommercial organization.



**13 Construction Sign.** A sign that states the name of the developer and contractor(s) working on the site and any related engineering, architectural or financial firms involved with the project.

**14. Directional Sign.** An on-site sign which is designed and erected solely for the purposes of directing vehicular and/or pedestrian traffic within a project.

**15. Double-Faced Sign.** A sign constructed to display its message on the outer surfaces of two identical and/or opposite parallel planes.

**16. Digital and/or Electronic Signs or Message Display.** A sign that is equipped to allow its information content, whether fixed or variable, to be changed or altered by electric, electromechanical, electronic or, digital display technology means.

**17. Moving Display/Sign (Includes Flashing).** A sign that uses blinking, flashing, or intermittent illumination that has at least one change in a 24-hour period; light reflectors; moving or reflective characters or materials.

**18. Freestanding Sign.** Any nonmoveable sign not affixed to a building.

**19. Freeway-Oriented Sign.** A freestanding, on-site sign that advertises businesses adjacent to a "freeway." On-site means on the same parcel or within the same integrated center.

**20. Future Tenant Identification Sign.** A temporary sign that identifies the names of future businesses that will occupy a site or structure.

**21. Garage Sale Sign.** A sign with a message advertising the resale of personal property that has been used by the resident.

**22. Holiday Decoration Sign.** Temporary signs, in the nature of decorations, clearly incidental to and customarily associated with nationally recognized holidays and which contain no advertising message.

**23. Illegal Sign.** A sign which includes any of the following:

A sign erected without first complying with all regulations in effect at the time of its construction or use;

A sign that was legally erected, but whose use has ceased, the structure upon which the display is placed has been abandoned by its owner, or the sign is not being used to identify or advertise an ongoing business for a period of not less than 90 days;

A sign that was legally erected which later became nonconforming as a result of the adoption of an ordinance, the amortization period for the display provided by the ordinance rendering the display conforming has expired, and conformance has not been accomplished;

A sign that was legally erected which later became nonconforming and then was damaged to the extent of 50 percent or more of its current replacement value;

A sign that is a danger to the public or is unsafe;

A sign that is a traffic hazard not created by relocation of streets or highways or by acts of the City; or

A sign that pertains to the specific event and five days have elapsed since the occurrence of the event.

**24. Logo.** A distinctive organization or company signature, trademark, or symbol.

**25. Marquee (Canopy) Sign.** A sign which is attached to or otherwise made a part of a permanent roof-like structure which projects beyond the building wall in the form of a large canopy to provide protection from the weather.

**26. Monument Sign.** An independent, freestanding structure supported on the ground having a solid base as opposed to being supported by poles or open braces.

**27. Nameplate.** A small sign or plaque identifying the name and/or address of the occupant of a structure or business.

**28. Off-Premises Sign.** A sign that identifies, advertises, or directs attention to a business, activity, product, service, or other commercial or noncommercial interest of any person, firm, or business not located on the premises where the sign is located; or a freestanding structure on which a sign is located, where the sign structure is on a premises not owned by the owner of the sign structure and where the sign message is not sponsored by the owner of the premises.

**29. Permanent Sign.** A sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.

**30. Pole Sign.** A sign that is displayed on and completely supported by one or more support elements (pole(s)) that is ground-mounted, with no part of the sign attached to a building or similar structure.

**31. Political Sign.** A sign designed for the purpose of advertising support of or opposition to a candidate or proposition for a public election.

**32. Portable Sign.** A sign that is not permanently affixed to a structure or the ground.

**33. Projecting Sign.** A sign other than a wall sign suspending from, or supported by, a structure and projecting outward from, and perpendicular to, the structure.

**34. Promotional Sign.** A sign erected on a temporary basis to promote the sale of new products, new management, new hours of operation, a new service, or to promote a special sale.

**35. Real Estate Sign.** A sign indicating that a property or any portion thereof is available for inspection, sale, lease, rent, or directing people to a property, but not including temporary subdivision signs in compliance with California Civil Code Section 713.

**36. Roof Sign.** A sign constructed upon or over a roof, or placed so as to extend above the edge of the roof.

**37. Special Event Sign/Banner.** A temporary sign, balloon, or banner that is intended to inform the public of a unique happening, action, purpose, or occasion (i.e., grand opening or community event).

**38. Sign Amortization.** The elimination of nonconforming signs over a period of time intended to allow the owner the opportunity to realize the value of his or her investment in the sign.

**39. Temporary Sign.** Any sign intended to be displayed for a limited period of time and capable of being viewed from any public right-of-way, parking area or neighboring property.

**40. Vehicle Sign.** A sign which is attached to or painted on a vehicle which is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or business located on the property.

**41. Wall Sign.** A sign which is attached to or painted on the exterior wall of a structure with the display surface of the sign approximately parallel to the building wall.

**42. Window Sign.** Any sign posted, painted, placed, or affixed in or on any window exposed to public view. Any interior sign which faces any window exposed to public view and is located within three feet of the window.

**Single-Unit Dwellings.** A freestanding residential building designed for and/ or occupied exclusively by one living unit that includes one kitchen and permanent provisions for living, sleeping, eating, sanitation, and parking. Also includes factory-built, modular housing units constructed in compliance with the California Building Standards Code and mobilehomes/ manufactured housing on permanent foundations. May also include living quarters without kitchen facilities for domestic employees (maid, etc.).

**Single Lot Development.** The construction of buildings, structures or other improvements on a single lot or parcel.

**Site.** A parcel or adjoining parcels under single ownership or single control, considered a unit for the purposes of development or other use.

**Site/Lot Characteristics.**

**1. Grade.** The ground surface immediately adjacent to the exterior base of a structure, typically used as the basis for measurement of the allowed height of a proposed structure.

*a. Average Grade.* The elevation determined by computing the mathematical average of the elevations of the highest and lowest points on the boundaries of the area for which average grade is being determined.

*b. Existing or Natural Grade.* The contour of the ground surface before grading.

*c. Finish Grade.* The final contour of the ground surface of a site that conforms to the approved grading plan.

*d. Street Grade.* The elevation of the centerline of the street adjacent to the site proposed for development.

**2. Site Area.** Gross site area means the total area included within the lot lines of a site, exclusive of adjacent dedicated street rights-of-way. Net site area means exclusive of easements, including those for utilities or flood control channels, which limit the use of the site.

**Site Plan.** A plan for a project site that delineates the overall layout of a proposed facility, including structures, ingress/egress and circulation, and improvements.

**Site Plan Review.** Discretionary land use permit for which procedures are established by Chapter 16.152 (Site Plan Review).

**Slaughterhouses.** Establishments primarily engaged in slaughtering cattle, calves, hogs, sheep, lambs, and/or other animals for meat to be sold, or used on the same site in canning, curing, and freezing, and in the making of sausage, lard, and other products ("Major impact facilities").

**Software Development and Distribution.** Business establishments engaged in the design, development, production, packaging, and distribution of computer software products.

**Standard Plans and Specifications.** The most recent City of Stockton adopted version of the guide for the standardization of public works installations within the City.

**Statutory Cooperatives.** Must file articles of incorporation with the State and conduct its business for the mutual benefit of its members (Corporation Code, Sections 12201, 12300) and register as a corporation under the Corporations or Food and Agricultural Code (Id. at Section 12311(b)). The earnings and savings of the business must be used for the general welfare of its members or equitably distributed to members in the form of cash, property, credits, or services.

**Stock Cooperative.** A development defined by Business and Professions Code 11003.2 and Civil Code Section 1351(m), where a corporation is formed to hold title to improved real property and the shareholders in the corporation receive a right of exclusive occupancy in a portion of the real property.

**Stockton Channel Area.** See "Channel area."

**Stockyards.** Sites where cattle or other animals are held or maintained for the purposes of feeding and/or marketing, including feed lots and sales yards ("Major impact facilities").

**Story.** A horizontal section of a building, with a single continuous or primarily continuous floor, including all rooms on the same floor or level of the building.

**Street.** A public roadway (road, highway, drive, lane, avenue, place, boulevard, and any other thoroughfare) that affords the principal means of access to an abutting property. See City's standard specifications and plans, City of Stockton General Plan—Background Report, for specifics.

**1. Local Street.** Low speed/low volume roadways used primarily for direct access to residential, commercial, industrial, or other abutting property whose sole function is to provide access to the immediately adjacent land. Connects individual parcels, especially homes, to collectors. Includes low volume residential, medium volume residential, commercial, and industrial.

**2. Collector.** A medium speed/medium volume street which serves traffic movements within subdivisions and connects the local streets within this area to an arterial street or other collector street. Collectors include residential (back-up) and nonresidential streets.

*a. Urban Collector System Collector.* Provides local service principally from residential neighborhoods to arterial highways.

*b. Industrial Collector.* Provides specific local truck access within industrial areas and linkage directly to arterials.

**3. Arterial.** Relatively high speed/high capacity street that serves as the principal network for through traffic flow by connecting areas of principal traffic generation to regional transportation facilities and intra-community travel, as well as important rural highways entering the city. Includes minor and major arterials.

*a. Minor Arterial.* Provides traffic service to and from community centers, major recreational areas, and major generators, and only secondarily provides direct access to abutting land. Connects local roads and streets to expressways, arterials, and other collectors.

*b. Major Arterial.* Provides for relatively large traffic movements between areas within urban areas and across portions of urban areas. Provides for movement of long trips between communities and subregions. Provides direct service to principal generators and secondarily for direct access to abutting land. Connects to freeways, expressways, and other arterials.

**Street Line.** The boundary between a street right-of-way and property.

**Street, Public.** A public thoroughfare accepted by the City, which affords principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except an alley as defined in this section.

**Street, Private.** A privately-owned and maintained thoroughfare, which affords principal means of access to abutting property.

**Street Tree.** A tree planted by the City, or by another party that has been permitted by the Director to plant in lieu of the City, either in the public right-of-way or public utility easement.

**Structure.** Anything constructed or erected, the use of which requires attachment to the ground or attachment to something located on the ground. Includes manufactured and

modular buildings (residential, commercial, industrial). For the purposes of this Development Code, the term "structure" includes "buildings."

**1. Primary Structure.** A structure that accommodates the primary use of the site.

**2. Accessory Structure.** A structure that is physically detached from, secondary and incidental to, and commonly associated with the primary structure. For the purposes of this Development Code accessory structures and uses include: detached garages, greenhouses, tool sheds, artist's studios, and workshops; hot tubs, jacuzzis, spas, and swimming pools, together with any enclosures or associated buildings (e.g., pool houses that may include limited kitchen facilities); and any other open air enclosures, including gazebos and detached patio covers, portable covers, or shelters.

**3. Temporary Structure.** A structure without permanent foundation or footings and that is designed to be removed when the designated time period, activity, or use has ended.

**Subdivider.** A person, firm, corporation, partnership or association who proposes to divide or causes to be divided real property into a subdivision for oneself or for others; except that employees and consultants of persons or entities, acting in such capacity, are not "subdividers." See "Developer."

**Subdivision.** The division, by any subdivider, of any unit or portion of land shown on the latest equalized San Joaquin County assessment roll as a unit or contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way. Subdivision includes the following, as defined in Civil Code Section 1351: a condominium project; a community apartment project; or the conversion of five or more existing dwelling units to a stock cooperative.

**Subdivision Improvement Standards.** The City of Stockton regulations for the design and construction of streets, water supply and sewage disposal systems, and other facilities that will serve the parcels in an approved subdivision.

**Subdivision Map Act, or Map Act.** Division 2, Title 7 of the California Government Code, commencing with Section 66410 as presently constituted, and any amendments to those provisions regarding the subdivision of real property.

**Suburban Area.** An area generally characterized by separate land uses and housing types with most uses oriented toward the automobile; single-unit homes are built at lower densities, usually less than five units per acre, and located on long streets or cul-de-sacs

with a limited number of full intersections and backup walls along collector and arterial streets; commercial and office uses are usually located on arterials. Most development in suburban areas occurs on raw land. In Stockton, suburban areas are primarily located in one of three areas: 1. north of the Calaveras River; 2. west of I-5; or 3. south of Eleventh Street and east of Airport Way.

—T—

**Target Population.** Persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Development Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from the institutional settings, veterans, and homeless population.

**Target Unit.** A dwelling unit within a housing development which will be reserved for sale or rent to, and affordable to, very low or low-income households or qualifying residents.

**Teen Nightclubs.** Entertainment facilities that limit attendance to persons between the ages of 13 and 20 years.

**Temporary Non-Mobile Sales.** Any person who sells any food, goods, or merchandise from a stationary table or stall, which is not attached to another structure, does not have a fixed place of business, and is accessory to a primary use on the same private property.

**Tentative Map.** A map made for the purpose of showing the design and improvement of a proposed subdivision and the existing conditions in and around it.

**Testing Laboratory Permit.** A permit issued to a laboratory, facility, or entity in the State that offers or performs tests of cannabis or cannabis products for medical and/or adult use that hold a valid Annual State License.

**Tiny Homes (Permanent).** Detached dwelling units typically sized under 400 square feet or smaller placed on permanent foundations.

**Tiny Homes (Temporary).** Detached residential units typically sized under 400 square feet or smaller not placed on permanent foundations.

**Tractor-Trailer.** A heavy duty truck, usually with a large diesel engine and two or three axels, which is designed to haul long semi-trailers for the transportation of freight. Includes truck and trailer, transfer truck, 18-wheeler, semi, diesel, and big rig.



**Traffic Sight Area.** A triangular area formed by measuring a specified distance from the intersection of the front and street side property lines or, where applicable, from the intersection of a street property line and an on-site driveway, and connecting the lines across the property in compliance with Section 16.36.140 (Traffic sight area).

**Tree House.** A structure typically used by children for play, which is typically constructed of wood and/or discarded materials, which uses the branches and/or trunk of a tree as primary structural elements.

**Triplex.** A single building for three living units that are independent of each other with each one having a kitchen and direct access to the outside or to a common hall.

—U—

**Unit.** See "Housing unit."

**Urban Agriculture Produce Stand.** See "Produce stands, urban agriculture".

**Urban Areas.** An area generally characterized by a greater mixture of land uses and housing types that are more pedestrian-oriented with a greater variety of travel options; single-unit homes are built at a variety of densities, including higher densities over five units to the acre; streets are short (300 to 600 feet in length) in a predominately grid pattern. Most development occurs on previously developed properties. In Stockton, urban areas are primarily located in one of three areas: 1. the central portion of Stockton; 2. south of the Calaveras River and east of I-5; or 3. north and west of Eleventh Street and Airport Way.

**Urban Beekeeping.** The practice of keeping bee colonies in urban areas. Urban beekeeping is allowed in commercial, residential (hobby), and market garden/urban farm land uses.

**Use.** The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained.

**1. Use, Primary.** The main purpose for which a site is developed and/or used, including the activities that are conducted on the site a majority of the hours during which activities occur. A site may have more than one primary use.

**2. Use, Accessory.** A land use that is in addition to, secondary and incidental to, and commonly associated with the primary use, including outdoor barbecue grilling, outdoor dining, mobile vendors, etc.

**3. Use, Temporary.** A use established for a limited time with the intent to discontinue the use upon expiration of the time period.

**Use Permit.** A permit issued by a review authority stating the conditions required for a specific use at a specified location to be allowed. Also referred to as a conditional use permit. See Chapter 16.168 (Use Permits).

**Utility Lines.** See "Public and semi-public utility facilities."

—V—

**Vacant Lot.** Any parcel of real property that is not improved with a community garden, or a completed permitted structure.

**Variance.** A discretionary entitlement that may waive or relax the development standards of this Development Code, in compliance with Chapter 16.172 (Variances).

**Very Low and Low-Income Households.** Households whose income does not exceed the very low and low-income limits applicable to the County, as published and periodically updated by the State Department of Housing and Community Development in compliance with State law (Health and Safety Code Sections 50105 and 50079.5.). This applies to both "for rent" and/or "for sale" housing.

**Vesting Tentative Map.** A map that is filed and processed in the same manner as a tentative map except as otherwise provided by Section 16.188.080 (Vesting tentative maps) or the Map Act. A vesting tentative map shall have the words "Vesting Tentative Map" printed conspicuously on its face at the time it is filed with the Department.

—W—

**Water-Efficient Landscaping.** A landscape that is designed and maintained to function in a healthful and visually pleasing manner in compliance with the standards provided in this title. This generally involves the strategic use of plants which have minimal water requirements for subsistence, plants native and/or suitable to the City environment (xeriscape), and hardscape to achieve an overall landscape concept that is water conserving.

**Wind Power Equipment.** Rotating machines that convert the kinetic energy of the wind into mechanical energy. Includes wind turbines, wind generators, windmills, wind power units (WPU), wind energy converters (WEC).

**Written Recommendation.** As defined in California Health and Safety Code Section 11362.7 et seq., and as may be amended.

—X—

**Xeriscape.** Landscape elements primarily involving drought-tolerant and low-water demand plant materials, and non-plant materials.

—Y—

**Yard.** An area between a lot line and a setback, unobstructed and unoccupied from the ground upward, except for projections permitted by this Development Code. See Section 16.36.120 (Setback regulations and exceptions) and Figure 8-4 (Setbacks).

**1. Front Yard.** An area extending across the full width of the lot between the front lot line and the required setback.

**2. Rear Yard.** An area extending the full width of the lot between a rear lot line and the required setback.

**3. Side Yard.** An area extending from the front yard to the rear yard between the nearest side lot line and the required setback.

**Yosemite Shopping Area.** The area zoned CN including the parcels adjacent to the intersection of North Yosemite and Acacia Streets, and those parcels fronting North Yosemite Street between Acacia Street and West Poplar Street, also referred to as "Yosemite Street Village."

—Z—

**Zoning Code.** The City of Stockton Planning and Zoning Code as it existed prior to the adoption of the ordinance codified in this Development Code.

**Zoning District.** Any of the residential, commercial, industrial, public and semi-public, other, or overlay districts established by Division 2 of this Development Code (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards), within which certain land uses are allowed or prohibited, and certain site planning and development standards are established (e.g., setbacks, height limits, site coverage requirements, etc.).

**Zoning District, Primary.** The zoning district applied to a site by the Zoning Map, to which an overlay zoning district may also be applied.

## **SECTION XL: AMENDMENT OF CODE**

Title 16, Division 8, Chapter 16.250 of the Stockton Municipal Code (SMC) is amended to read, as follows:

## **Chapter 16.250      Use Classifications**

### **16.250.010            Residential Uses**

**Residential Dwelling Units.** Dwelling units designed for occupancy by one household.

***Single-Unit Dwelling, Detached.*** A dwelling unit that is designed for occupancy by one household with private yards on all sides and located on a separate lot from any other unit (except an accessory dwelling unit, where permitted). This subclassification includes individual manufactured housing units.

***Single-Unit Dwelling, Attached.*** A dwelling unit that is designed for occupancy by one household located on a separate lot from any other unit (except an accessory dwelling unit, where permitted), and is attached through common walls to more than one dwelling on abutting lots, such as half-plexes, townhomes and condominiums.

***Multi-Unit Dwelling.*** Two or more attached or detached dwelling units on a single lot. Types of multi-unit dwellings can include duplexes, tri-plexes, four-plexes, multiple detached residential units, and apartment buildings.

#### **Accessory Dwelling Unit.**

***Accessory Dwelling Unit (ADU).*** An attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as a single-unit dwelling unit is situated; further accessory dwelling units are as defined in California Government Code Section 66313(a).

***Junior Accessory Dwelling Unit (JADU).*** A unit that is no more than 500 square feet in size and contained entirely within a single-unit residence. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure as prescribed by Government Code Section 66313(b).

**Caretaker Unit.** A dwelling unit on the site of a nonresidential use, occupied by the business owner or employees and their immediate families employed for the purpose of on-site management, maintenance, or upkeep. Business guests/employees on temporary assignment are allowed to reside in the unit.

**Co-Living.** A residential facility where living accommodations are individual secure rooms, with or without separate kitchen or bathroom facilities for each room, and rented to one or two-person households. This use classification includes extended stay hotels intended for long-term occupancy (more than 30 days) but excludes Hotels and Motels, and Residential Care Facilities.

**Emergency Shelter.** Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person.

**Employee Housing (for Farmworkers).** Has the same meaning as “employee housing” as set forth in Health & Safety Code §17008 for farmworkers.

**Family Day Care.** A day care facility licensed by the State of California, located in a residential unit where the resident of the dwelling provides care and supervision for children under the age of 18 for periods of less than 24 hours a day.

***Small.*** A facility that provides care for eight or fewer children, including children who reside at the home and are under the age of ten (California Health and Safety Code Section 1597.44).

***Large.*** A facility that provides care for seven to 14 children, including children who reside at the home and are under the age of ten (California Health and Safety Code Section 1597.465).

**Group Residential.** Shared living quarters without separate kitchen or bathroom facilities for each room or unit, offered for rent for permanent or semi-transient residents on a weekly or longer basis. This classification includes rooming and boarding houses, dormitories, fraternity and sorority housing, convents, monasteries, and other types of organizational housing operated by institutions or organizations but excludes Hotels and Motels and Residential Care Facilities.

**Live-Work Space.** A unit that combines a work space and residential occupancy occupied and used by a single household in structure that has been constructed for such use or converted from commercial or industrial use and structurally modified to accommodate residential occupancy and work activity in compliance with the California Building Code. The working space is reserved for and regularly used by one or more occupants of the unit.

**Low Barrier Navigation Center.** A Housing First, low barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public

benefits, health services, shelter, and housing (California Government Code Section 65660, et seq).

**Mobile Home Park.** A development occupied by manufactured housing units, including facilities and amenities used in common by residents who rent, lease, or own spaces for manufactured housing units through a subdivision, cooperative, condominium, or other form of resident ownership.

**Residential Care Facilities.** A facility licensed by the State of California to provide living accommodations, 24-hour care for persons requiring personal services, supervision, protection, or assistance with daily tasks. Facilities may include shared living quarters, with or without a private bathroom or kitchen facilities. This classification includes both for- and not-for-profit institutions, but excludes Supportive Housing and Transitional Housing.

***Small.*** A facility that is licensed by the State of California to provide care for six or fewer persons.

***Large.*** A facility that is licensed by the State of California to provide care for more than six persons.

**Residential Facility, Assisted Living.** A facility that provides a combination of housing and supportive services for the elderly or functionally impaired, including personalized assistance, congregate dining, recreational, and social activities. These facilities may include medical services. Examples include assisted living facilities, retirement homes, and retirement communities. These facilities typically consist of individual units or apartments, sometimes containing kitchen facilities and common amenities. The residents in these facilities require varying levels of assistance.

**Supportive Housing.** Dwelling units with no limit on length of stay that are occupied by the target population, and that are linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving their health status, and maximizing their ability to live and, where possible, work in the community. (California Government Code Section 65582(h))

**Transitional Housing.** Buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance. (California Government Code Section 65582(j))

## 16.250.020

## Public/Semi-Public, Recreational, and Institutional Uses

**Campgrounds and RV Parks.** An open-air facility, where recreational vehicle or camping spaces are rented, or held out for rent, for overnight stay in tents, trailers, or recreational vehicles for 30 consecutive days or less.

**Colleges and Trade Schools.** Institutions of higher education primarily for adults providing curricula of a general, religious, or professional nature, granting degrees or professional certifications and including junior colleges, business and computer schools, management training, and technical and trade schools. This classification excludes Instructional Services such as music lessons.

**Commercial Entertainment and Recreation.** Provision of participant or spectator entertainment to the public. These classifications may include incidental restaurants, snack bars, and other related food and beverage services to patrons.

**Card Rooms.** Business, activity, or enterprise conducting card games, as defined in Title 5 of SMC. Does not apply to any bona fide nonprofit society club, fraternal, labor, or other organizations having adopted bylaws and duly elected directors and members having exclusive use of these facilities at no charge, and whose operation is incidental to the main purpose of the organization. Does not include bridge clubs, chess clubs, and other nongambling board games (See Indoor Entertainment and Recreation).

**Cinema/Theater.** A facility for the indoor display of films, motion pictures, or dramatic, musical, or live performances.

**Indoor Entertainment and Recreation.** Establishments providing predominantly participant sports, fitness, indoor amusement and entertainment services conducted within an enclosed building, including electronic amusement centers. Typical uses include bowling alleys, billiard parlors, bingo establishments, arcades, health clubs, ice and roller skating rinks, indoor racquetball courts, athletic clubs, physical fitness centers, indoor arenas, and nongambling establishments providing facilities for the participation in the game of bridge, chess, checkers, backgammon, or other board games.

**Outdoor Entertainment.** Predominantly spectator uses, conducted in open or partially enclosed or screened facilities. Typical uses include amusement parks, sports stadiums and arenas, racetracks, amphitheaters, and drive-in theaters.

**Outdoor Recreation.** Predominantly participant sports conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, golf

courses, sports complexes, miniature golf courses, tennis clubs, outdoor batting cages, swimming pools, archery ranges, and riding stables.

***Private Entertainment Facilities.*** Business with one or more separate, individual facilities for viewing or participating in games or videos. Includes individual viewing booths for movies and/or individual arcade games.

**Community Assembly.** A facility for public or private meetings and gatherings, including community centers, union halls, meeting halls, banquet facilities, and membership organizations. This classification includes the use of functionally-related facilities for the use of members and attendees, such as kitchens, multi-purpose rooms, classrooms, and storage.

**Cultural Institutions.** A public or private institution and/or associated facility engaged in activities to promote aesthetic and educational interest among the community that are open to the public on a regular basis. This classification includes performing arts centers, event and conference spaces, spaces for display or preservation of objects of interest in the arts or sciences, libraries, museums, historical sites, aquariums, zoos, and botanical gardens. This classification does not include schools or Colleges and Trade Schools.

**Day Care Centers.** Establishments providing non-medical care for persons on a less than 24-hour basis other than Family Day Care. This classification includes nursery schools, preschools, and day care facilities for children or adults, and any other day care facility licensed by the State of California.

**Hospitals and Clinics.** State-licensed facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons. This classification includes facilities for inpatient or outpatient treatment, including substance-abused programs, as well as training, research, and administrative services for patients and employees. This classification excludes veterinaries and animal hospitals (see Animal Care, Sales, and Services).

***Clinic.*** A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis including emergency treatment, diagnostic services, administration, and surgical and related services to patients who are not lodged overnight except for testing related to sleep conditions. Services may be available without a prior appointment. This classification includes licensed facilities offering substance abuse treatment, blood banks and plasma centers, and emergency medical services offered exclusively on an out-patient



basis. This classification does not include private medical and dental offices that typically require appointments and are usually smaller scale (see Offices).

**Hospitals.** A facility providing medical, psychiatric, or surgical services for sick or injured persons, primarily on an inpatient basis, and including supplementary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors. The institutions are to be licensed by the State of California to provide surgical and medical services.

**Skilled Nursing Facility.** A State-licensed facility or a distinct part of a hospital that provides continuous skilled nursing and supportive care to patients whose primary need requires the availability of skilled nursing care on an extended basis. The facility provides 24-hour inpatient care and, at a minimum, includes physician, nursing, dietary, pharmaceutical services, and an activity program.

**Instructional Services.** Establishments that offer specialized programs in personal growth and development such as music, martial arts, vocal, yoga, dancing, art, photography, and academic instruction. Attendance is typically limited to hourly classes rather than full-day instruction. The establishments do not grant diplomas or degrees, though instruction could provide credits for diplomas or degrees granted by other institutions. This classification also includes tutoring facilities which offer academic instruction to individuals or groups.

**Live Entertainment.** Any type of music, dancing or show involving one or more persons playing musical instruments or recorded music, acting, singing, reading, speaking, dancing, modeling, wrestling, or performing in any way to entertain the customers of an establishment, including, but not limited to, auctions, raffles, or contests; karaoke singing; music played by a disc jockey; dinner theater; modeling of clothes, lingerie, and swimsuits; oil and mud wrestling; music performed by bands or soloists; poetry reading; dancing (by employees or customers); and stand-up comedy.

**Parking Lots and Structures.** Surface lots and structures used primarily for the temporary parking of operable motor vehicles, including parking lots, parking structures, and park and ride lots. Does not include parking facilities that are incidental to an on-site activity.

**Parks and Recreation Facilities.** Noncommercial parks, playgrounds, recreation facilities, trails, wildlife preserves, and related open spaces. This classification includes public playing fields, courts, gymnasiums, swimming pools, picnic facilities, tennis courts,

golf courses, and botanical gardens, as well as related food concessions or community centers within the facilities.

**Public Safety Facilities.** Facilities providing public-safety and emergency services, including police and fire protection and emergency medical services, with incidental storage, training, and maintenance facilities.

**Religious Facilities.** Facilities operated by religious organizations for worship, or the promotion of religious activities and instructions; and accessory uses on the same site, including living quarters for ministers and staff, child care facilities, and temporarily up to six homeless individuals or family members. Includes churches, synagogues, mosques, temples, etc. Does not include other establishments maintained by religious organizations, including full-time educational institutions, hospitals and other potentially related operations (including a recreational camp) which are classified according to their respective activities.

**Schools.** Facilities for primary or secondary education, including private and parochial schools having curricula comparable to that required in the public schools of the State of California.

**Social Service Facilities.** Facilities providing a variety of supportive services for disabled and homeless individuals and other targeted groups on a less than 24-hour basis. Examples of services provided are counseling, meal programs, clothing and personal items, personal storage lockers, showers, instructional programs, television rooms, and meeting spaces. This classification is distinguished from licensed day care centers (see Day Care Centers), clinics, and emergency shelters providing 24-hour care (see Emergency Shelter).

**Vehicle, Truck, and Heavy Equipment Training.** Facilities for instructing and training students in the repair, maintenance, or operation of a variety of vehicles and heavy equipment, including automobiles, motorcycles, trucks, recreational vehicles, boats, and construction equipment.

## **16.250.030                      Commercial, Business, and Service Uses**

**Adult Related Establishments.** Any adult bookstore, adult hotel or motel, adult motion picture arcade, adult motion picture theater, adult video store, cabaret, sexual encounter center, or any other business or establishment that offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating

to “specified sexual activities” or “specified anatomical areas,” but not including those uses or activities, the regulation of which is preempted by State law.

***Adult Bookstore or Novelty Store.*** An establishment which has more than 25 percent of its total sales or stock in trade materials that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas,” as defined below.

***Adult Hotel or Motel.*** A hotel, motel, or other overnight lodging establishment, which provides, through closed circuit television or other media, material which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas,” (as defined below), for observation by patrons therein.

***Adult Motion Picture Arcade.*** Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing “specified sexual activities” or “specified anatomical areas,” (as defined below), for observation by patrons therein. Includes “private entertainment facilities.”

***Adult Motion Picture Theater.*** An enclosed or unenclosed building or structure or portion thereof used for presenting material in the form of motion picture film, video tape, slides, or other similar means, which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas,” (as defined below), for observation by patrons therein.

***Adult Theater.*** Any theater, concert hall, auditorium, or similar commercial establishment which has more than 25 percent of its total sales from featuring persons who appear in a state of nudity or semi-nude condition and/or from featuring live performances, which are distinguished or characterized by an emphasis upon the exposure of specified anatomical areas or by specified sexual activities.

***Adult Video Store.*** An establishment having 25 percent or more of its total stock in trade in video tapes for sale or rental or having viewing on the premises which contains material that is distinguished or characterized by its emphasis on matter

depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas,” as defined below, or an establishment with a segment or section of the store devoted to the sale or display of such material.

**Cabaret.** A bar, nightclub, theater, or other establishment which features live performances by topless and/or bottomless dancers, “go-go” dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas,” (as defined below), for observation by patrons therein.

**Massage Parlor.** An establishment where, for any form of consideration or gratuity, massage, alcohol rub, administration or fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs. Does not include massage therapists (“Medical services—Health-related facilities”); masseuses under the supervision of doctors, chiropractors, physical therapists (“Medical services—Medical-related facilities”).

**Material.** Relative to adult businesses, means and includes, but is not limited to, accessories, books, devices, magazines, pamphlets, photographs, prints, drawings, paintings, motion pictures, and video tapes, or any combination thereof.

**Model Studio.** An establishment where, for any form of consideration or gratuity, figure models who display “specified anatomical areas” (as defined below) are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by patrons paying such consideration or gratuity, except when the patrons are in attendance at art or photography classes.

**Sexual Encounter Center.** Any business, agency, or person who, for any form of consideration or gratuity, provides a place where three or more persons may congregate, assemble, or associate for the purpose of engaging in “specified sexual activities” or exposing “specified anatomical areas.”

**Specified Anatomical Areas.** Means:

- Less than completely and opaquely covered human genitals or pubic region, buttock, and female breast below a point immediately above the top of the areola; and
- Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Specified Sexual Activities.** Means:

- Human genitals in a state of sexual stimulation or arousal;
- Acts of human masturbation, sexual intercourse, or sodomy;
- Fondling or other erotic touching or sexual stimulation of human genitals, pubic region, buttock, or female breasts.

**Animal Services.** Services related to the boarding and care of animals.

***Animal Shelter and Boarding.*** A commercial, non-profit, or governmental facility for keeping, boarding, training, breeding, or maintaining, generally overnight or in excess of 24 hours, dogs, cats, or other household pets not owned by the owner or operator of the facility.

***Pet Training and Day Care.*** Facilities providing training or non-medical care on a less than 24-hour basis for dogs, cats, or other household pets not owned by the facility operator.

***Veterinary Clinics and Animal Hospitals.*** Office and medical treatment facilities used by veterinarians where animals receive medical and surgical treatment, including large and small animal veterinary clinics, and animal hospitals. This classification allows 24-hour accommodation of animals receiving medical services and treatment.

**Automobile/Vehicle Sales and Services.** Retail or wholesale businesses that sell, rent, and/or repair automobiles, boats, recreational vehicles, trucks, vans, trailers, and/or motorcycles.

***Automobile/Vehicle Rental.*** Establishment providing for the rental of automobiles, light-duty trucks, and motorcycles. Typical uses include car rental agencies.

***Automobile/Vehicle Sales and Leasing.*** Sale or lease, retail or wholesale, of automobiles, light trucks, motorcycles, boats, campers, motor homes, and trailers, together with associated repair services and parts sales, but excluding body repair and painting. Typical uses include automobile dealers and recreational vehicle sales agencies.

***Automobile/Vehicle Service and Repair, Minor.*** The service and repair of automobiles, light-duty trucks (i.e., pickup trucks, sport utility vehicles (SUVs), vans, and minivans), and motorcycles, including the incidental sale, installation, and servicing of related equipment and parts. This classification includes the replacement of small automotive parts and liquids, smog checks, tire sales and installation, ancillary detailing services, auto radio/electronics installation, auto air

conditioning/heater service, and quick-service oil, tune-up shops, and brake and muffler shops.

***Automobile/Vehicle Repair, Major.*** Repair of automobiles, trucks, motor homes, boats, and recreational vehicles, that may include disassembly, removal or replacement of major components such as engines, drive trains, transmissions or axles, automotive body and fender work, vehicle painting, or other operations that generate excessive noise, objectionable odors or hazardous materials, and towing services. This classification excludes vehicle dismantling or salvaging.

***Large Vehicle and Equipment Sales, Service, and Rental.*** Sales, servicing, rental, fueling, and washing of large trucks, trailers, tractors, and other equipment used for construction, moving, agricultural, or landscape gardening activities.

***Fueling Stations.*** Establishments primarily engaged in retailing automotive fuels or charging of electric vehicles, which may also provide related services, such as selling automotive oils, replacement parts, and accessories; and/or providing incidental food and retail services. These facilities may include “mini-marts” and/or convenience stores that sell products, merchandise, or services that are ancillary to the primary use related to the operation of motor vehicles.

***Towing and Impound.*** Establishments primarily engaged in towing light or heavy motor vehicles, both local and long distance. These establishments may provide incidental services, such as vehicle storage and emergency road repair services (for automobile dismantling, see Salvage and Wrecking).

***Vehicle Washing.*** Permanent, self-service, and/or attended vehicle washing establishments, including fully mechanized facilities, including detailing services.

***Banks and Financial Services.*** Financial institutions providing retail banking services. This classification includes only those institutions serving walk-in customers or clients, including banks, savings and loan institutions, credit unions, and check-cashing businesses.

***Business Support Services.*** Establishments providing goods and services to other businesses on a fee or contract basis, including printing and copying, blueprint services, advertising and mailing, office equipment rental and leasing, office security, custodial services, photofinishing, model building, and taxi services or delivery services with two or fewer fleet vehicles on-site.

***Commercial Kitchen.*** Establishments preparing and/or packaging food for off-site consumption, including catering kitchens, ghost kitchens, and incubator kitchens. This

classification excludes establishments with an industrial character in terms of processes employed, waste produced, water used, and traffic generation. Also excluded are retail establishments such as bakeries and small-scale artisan or boutique food businesses. Commercial Kitchens shall be considered equivalent to Restaurant for land use purposes.

**Commissary.** An establishment in which food, containers, equipment, or supplies are stored or handled for use in motorized food wagons or ice cream vehicles. Includes establishments used as a base of operations for one or more motorized food wagons or push carts, where such unit or units and/or equipment are serviced, cleaned, supplied and/or maintained.

**Commissary Kitchen.** A kitchen facility that is incorporated into, and as part of, a Commissary only. This type of kitchen may be used by Food Truck operators that are based from the Commissary, and may also be used by caterers to prepare food for delivery to events or customers.

**Drive-Through Facility.** A motor vehicle drive-through facility which is a commercial building or structure or portion thereof which is designed or used to provide goods or services to the occupants of motor vehicles. This classification includes banks and other financial services, fast food establishments, drugstores, and film deposit/pick-up establishments, but excludes drive-in theaters (see Commercial Entertainment and Recreation), drive-in restaurants where orders are taken and food is served and eaten in cars parked in individual parking spaces (see Eating and Drinking Establishments), service stations, or car-wash operations (see Automobile/Vehicle Sales and Services).

**Eating and Drinking Establishments.** Businesses primarily engaged in serving prepared food and/or beverages for consumption on or off the premises.

***Bars and Night Clubs.*** Businesses serving alcoholic beverages for consumption on the premises as a primary use, including on-sale service of alcohol including beer, wine, and mixed drinks. This subclassification includes establishments where alcoholic beverages are sold and consumed but are not operated and maintained as bona fide eating establishments.

***Food and Beverage Tasting.*** Businesses serving samples of food or beverages as an accessory use associated with a food or beverage production facility or retail sales.

***Restaurant.*** Establishments where food and beverages are served to patrons for consumption on-site or off-site, including full-service, limited-service, and take-out/delivery businesses. This subclassification includes cafes, coffee shops,

delicatessens, fast-food businesses, and bakeries that have tables for on-site consumption of products, as well as establishments licensed, operated and maintained as a bona fide eating place that serve alcoholic beverages. It excludes catering services, commissary kitchens, and commercial kitchens that do not sell food or beverages for on-site consumption.

**Food Truck Park.** A permanent open-air facility that is designed to accommodate two or more operating Motorized Food Wagons to offer food or beverages for sale to the public located on a developed lot or parcel(s). The Food Truck Park is strictly for the sale of foods or beverages. The scale of uses that encompass the Food Truck Park include, Food Truck Pod, Food Truck Hub, and Food Truck Plaza.

**Food Truck Pod.** A permanent open-air facility that is designed to accommodate two to five operating Motorized Food Wagons to offer food or beverages for sale to the public located on a developed lot or parcel(s).

**Food Truck Hub.** A permanent open-air facility that is designed to accommodate six to ten operating Motorized Food Wagons to offer food or beverages for sale to the public located on a developed lot or parcel(s).

**Food Truck Plaza.** A permanent open-air facility that is designed to accommodate 11 or more operating Motorized Food Wagons to offer food or beverages for sale to the public located on a developed lot or parcel(s).

**Food Truck Park/Commissary Co-location.** A land use intended to accommodate Motorized Food Wagons that offer food or beverages for sale to the public and provide the required commissary services to those Motorized Food Wagons residing at the site.

**Funeral Facilities and Services.** Facilities providing interment services. Includes:

**Cemeteries.** Establishments engaged in subdividing property into cemetery lots and offering burial plots or air space for sale. Includes animal cemeteries, cemetery, mausoleum, cinerarium, and columbarium operations.

**Mortuaries.** Establishment where deceased are prepared for burial or cremation, and funeral services may be conducted. Does not include crematoriums.

**Funeral Homes.** Establishment where funeral services are conducted without preparation of deceased for burial or cremation. Excludes religious facilities.



**Crematorium.** Facility used for the incineration of human or animal remains, excluding activities related to funeral homes. Excludes activities related to mortuaries.

**Smoking Lounge.** A business which primarily serves tobacco or non-tobacco products (e.g., fruit, vegetables) whereby patrons, who are 18 years of age or older, share the tobacco or non-tobacco products from a hookah, water pipe, or similar device.

### **Lodging.**

**Bed and Breakfast Inns.** Residential structures with one family in permanent residence with up to 10 bedrooms rented for overnight lodging for 30 days or less, where meals may be provided subject to Section 16.80.090 (Bed and breakfast inns) and applicable Health Department regulations. A bed and breakfast inn with more than 10 guest rooms is considered a hotel or motel (“Hotels and motels”).

**Hotels and Motels.** An establishment providing overnight accommodations for periods of 30 consecutive days or less to transient patrons for payment. These establishments may provide additional services, such as conference and meeting rooms, restaurants, bars, or recreation facilities available to guests or to the general public.

**Offices.** Offices of firms, organizations, or public agencies providing professional, executive, management, administrative or design services, such as accounting, architectural, computer software design, engineering, graphic design, interior design, investment, insurance, and legal offices, real estate and mortgage brokers, banks and savings and loan associations with retail banking services (see Banks and Financial Institutions). This classification also includes offices where medical and dental services are provided by physicians, dentists, chiropractors, acupuncturists, optometrists, and similar medical professionals, including medical/dental laboratories within medical office buildings, but excludes clinics, independent research laboratory facilities (see Research and Development), and hospitals.

### **Personal Services.**

**General Personal Services.** An establishment providing services of personal convenience to individuals as a primary use. Personal services include barber and beauty shops, permanent makeup studios, day spas, nail salons, tanning salons, electrolysis, and other cosmetic and appearance care services; pet grooming; tattoo parlors, shoe and luggage repair; photography studios; self-serve laundry; laundry and dry cleaning pick-up; repair and fitting of clothes, and similar services.

**Body Piercing Studios.** An establishment whose principal business activity is the creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

**Fortune, Palm, and Card Reader.** An establishment providing any type of fortune telling, palm or card reading, psychic services, future telling, spirit communication, and/or any other related type of trade, donation, or compensation, retail or otherwise.

**Massage Establishments.** Facilities providing massage therapy defined as the manipulation of body muscles or tissues, except “specified anatomical areas,” by hand or mechanical device for therapeutic purposes, including prevention, rehabilitation, and healing, by a skilled professional who is certified as a massage therapist from a recognized school of massage in compliance with Chapter 5.48 of the Municipal Code and is an accredited program approved by the Council for private/post secondary and vocational education from the State of California.

*State Certified.* Facilities that employ only certified massage practitioners or certified massage therapists (as defined by State law) who are duly certified in compliance with applicable qualifications of the California Business and Professions Code.

*Noncertified.* Facilities where one or more employees is not a certified massage practitioner or certified massage therapist (as defined by State law) certified in compliance with applicable qualifications of the California Business and Professions Code.

**Repair Services.** Establishments engaged in the maintenance or repair of consumer products, including office machines, household appliances, electronics, furniture, and similar items. This classification excludes repair and maintenance of motor vehicles (see Automobile/Vehicle Sales and Services) and personal apparel (see Personal Services).

## **Retail Sales.**

**Building Materials Stores.** Retail establishments selling lumber and other large building materials, where the majority of storage, display, and sales occur indoors. Includes: paint, wallpaper, glass, fixtures, nursery stock, and lawn and garden supplies sold to the general public, even if contractor sales account for a major proportion of total sales. This subclassification does not include Construction and Material Yards, hardware stores less than 10,000 square feet in floor area, or plant nurseries.

**Convenience Stores.** Easy access retail stores selling a combination of alcohol, gasoline, and a range of merchandise to provide a variety of items primarily for the motoring public.

**Garden Centers.** Establishments primarily engaged in retailing nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, and sod that are predominantly grown elsewhere. These establishments may sell a limited amount of a product they grow themselves.

**General Retail.** The retail sale or rental of merchandise not specifically listed under another use classification. This subclassification includes retail establishments such as grocery stores, department stores, clothing stores, furniture stores, small hardware stores (with 10,000 square feet or less of floor area), and businesses retailing the following goods: food and beverages for off-site preparation and/or consumption, household pets and pet supplies, toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo processing), medical supplies and equipment, pharmacies, electronic equipment, sporting goods, kitchen utensils, hardware, appliances, antiques, art galleries, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, video rental, and new automotive parts and accessories (excluding vehicle service and installation). Retail sales may be combined with other services such as office machine, computer, electronics, and similar small-item repairs.

**Outdoor Retail Sales.** Permanent outdoor sales establishments including auction yards, flea markets, lumber and other material sales yards, and other retail uses where the business is not conducted entirely within a structure. Does not include the sale of automobiles, recreational vehicles, mobilehomes, or large vehicles and heavy equipment (See Automobile/Vehicle Sales and Leasing Large Vehicle and Equipment Sales, Service, and Rental).

**Pawn Shop.** A business that receives goods in pledge as security for a loan.

## **16.250.040            Industrial Uses**

**Artisan Manufacturing.** Any establishment primarily engaged in on-site production or fabrication of goods by small scale (maximum 3,500 square feet) manufacturing or artistic endeavor, which involves the use of hand tools or small mechanical equipment, and which may include incidental instruction or direct sales for consumers. Typical uses include

ceramic studios, fabric and needleworking, leather working, metalworking, glassworking, candle-making shops, woodworking, and custom jewelry manufacturers.

**Cannabis Distribution.** Shall have the same meaning as set forth in Business and Professions Code Section 26001(r) as the same may be amended from time to time.

**Cannabis Manufacturer.** Shall have the same meaning as set forth in Business and Professions Code Section 26001(ah) as the same may be amended from time to time.

**Cannabis Microbusiness.** A person holding a State license issued under paragraph (3) of subdivision (a) of California Business and Professions Code Section 26070. A microbusiness may act (in part or whole) as a retailer, distributor, manufacturer (Level 1), and cultivator (on an area less than 10,000 sq. ft.). A microbusiness must engage in at least three (3) of the following commercial cannabis business activities:

- Retailer or Retailer – Non-Storefront
- Distributor or Distributor – Transport Only
- Cultivation (less than 10,000 sq. ft.)
- Manufacturer (Level 1, Type 6)

**Cannabis Testing Laboratory.** Shall have the same meaning as set forth in Business and Professions Code Section 26001(at) as the same may be amended from time to time.

**Contractor Shops and Yards.** Establishments for specialized business activities related to building construction. This classification includes establishments for trades such as painting, carpentry, plumbing, heating, air-conditioning, roofing, landscaping, cabinet-making, and sign-making. This may include the storage of construction and grading materials or equipment on a site other than a construction site. Does not include retail or wholesale sale of materials (See Outdoor Retail Sales).

**Food and Beverage Production.** Establishments engaged in the production, processing, packaging, or manufacturing of food or beverage products for animal or human consumption and where any instruction, direct sales, or on-site consumption are incidental to the food or beverage production activity. This classification excludes the slaughtering of animals or fowl which is not allowed.

**Artisan Food and Beverage.** A small-scale food and beverage products manufacturing and distribution establishment located in facilities 3,500 square feet or less in size. Examples include coffee roasters, micro-breweries (manufacturing 15,000 barrels per year or less), craft distilleries (manufacturing 150,000 gallons per year or less), boutique wineries (5,000 cases per year or less), cheese makers,

wholesale bakeries, and produce-on-premises operations which provide ingredients and equipment for customers to manufacture their own product.

***Food and Beverage Manufacturing.*** Large-scale production, packaging, processing, preparation, or manufacturing of a food, beverage, or ingredient used or intended for use for animal or human digestion in a facility over 3,500 square feet.

**Heavy Industrial.** Establishments engaged in manufacturing of non-edible products from extracted or raw materials or recycled or secondary materials, or bulk storage and handling of such products and materials. Production typically involves some transformation by way of heating, chilling, combining, or through a chemical or biochemical reaction or alteration. Toxic, hazardous, or explosive materials may be produced or used in large quantities as part of the manufacturing process. These industrial activities may produce impacts on nearby properties, such as noise, gas, odor, dust, or vibration. This classification includes manufacturing for biomass energy conversion, commercial cosmetics and perfumes, electrical appliances and explosives, film and photographic processing plants, apparel and textile mills, leather and allied products manufacturing, wood and paper, glass and glass products, chemical products, medical/pharmaceutical products, plastics and rubber, nonmetallic minerals, primary and fabricated metal products, and automotive and heavy equipment.

**Light Industrial.** Establishments engaged in manufacturing of non-edible products and finished parts primarily from previously-prepared materials by means of physical assembly or reshaping. These industrial activities produce limited impacts on nearby properties, such as noise, gas, odor, or vibration. This classification includes uses where retail sales are clearly incidental to an industrial or manufacturing use, commercial laundries and dry-cleaning plants, monument works, printing and engraving, publishing, computer and electronic product manufacturing, furniture and related product manufacturing, and industrial services.

**Petroleum Storage and Distribution.** Wholesale and retail establishments engaged in the storage, and sale of gasoline, oil, butane, propane, and liquefied petroleum gas (LPG) and similar products to retailers and consumers. Does not include the sale of gasoline at a fueling station (See Fueling Station).

**Recycling Facility.** A facility for receiving, temporarily storing, transferring and/or processing materials for recycling, reuse, or final disposal. This use classification does not include waste transfer facilities that operate as materials recovery, recycling, and solid waste transfer operations and are classified as public works and utilities.

**Reverse Vending Machine.** An automated mechanical device that accepts, sorts and processes recyclable materials and issues a cash refund or a redeemable credit slip.

**Redemption Center.** A facility certified by the California Department of Resources Recycling and Recovery (CalRecycle) as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986 for the collection of materials including California Redemption Value (CRV) glass, aluminum, paper and plastic containers.

**Collection Facility.** A center where the public may donate, redeem, or sell nonhazardous recyclable materials; may include permanent structures. Includes Salvation Army and Goodwill type drop-offs. Does not include the sale of materials to the public (secondhand stores/pawnshops) or state-certified redemption centers (redemption centers, above).

**Recycling Processing Facility.** A structure or enclosed space used for the collection and/or processing of recyclable materials, including scrap aluminum, paper, pulp, and nonferrous materials, for shipment, or to an end-user's specifications, by such means as baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, remanufacturing, and shredding. Can be the sole business on the site. Does not include hazardous or contaminated waste.

**Research and Development.** A facility for the scientific research and the design, development, and testing of electrical, electronic, magnetic, optical, pharmaceutical, chemical, and biotechnology components and products in advance of product manufacturing. This classification includes assembly of related products from parts produced off site, where the manufacturing activity is secondary to the research and development activities, in addition to involving the production of experimental products.

**Salvage and Wrecking.** Storage and dismantling of vehicles and equipment for sale of parts, as well as their collection, storage, exchange or sale of goods including, but not limited to, any used building materials, used containers or steel drums, used tires, and similar or related articles or property.

**Sanitary Services.** Facilities for the cleaning of hazardous and biohazardous materials. Includes the cleaning of portable toilets, tankers, and containers.

**Warehousing and Storage.** Storage and distribution facilities without sales to the public on-site or direct public access except for public storage in small individual space exclusively and directly accessible to a specific tenant.

***Indoor Warehousing and Storage.*** Storage within an enclosed building of commercial goods prior to their distribution and the storage of industrial equipment, products and materials including but not limited to automobiles, feed, and lumber. Also includes cold storage, freight moving and storage, and warehouses. This classification excludes the storage of hazardous chemical, mineral, and explosive materials.

***Outdoor.*** Storage, warehousing, and wholesaling of goods in open lots.

***Personal Storage Facilities (Mini-storage).*** Facilities offering enclosed storage with individual access for personal effects and household goods including mini-warehouses and mini-storage, and records or inventory storage for businesses.

***Vehicle Storage.*** Storage of operative or inoperative vehicles. This classification includes parking tow-aways, impound yards, and storage lots for automobiles, trucks, buses and recreational vehicles, but does not include vehicle dismantling.

**Wholesaling and Distribution.** Indoor storage and sale of goods to other firms for resale; storage of goods for transfer to retail outlets of the same firm; or storage and sale of materials and supplies used in production or operation, including janitorial and restaurant supplies. Wholesalers are primarily engaged in business-to-business sales, but may sell to individual consumers through mail or internet orders. They normally operate from a warehouse or office having little or no display of merchandise, and are not designed to solicit walk-in traffic. This classification does not include wholesale sale of building materials (see Building Materials Sales and Services).

## **16.250.050                    Transportation, Communication, and Utility Uses**

**Airports and Heliports.** Facilities for the takeoff and landing of airplanes and helicopters, including runways, helipads, related facilities, and support activities.

**Broadcasting Studio.** Indoor facilities for the provision of broadcasting and other information relay services and studios that create broadcasting or media content outside of an office environment, including but not limited to radio, television or Internet broadcasting facilities, audio rehearsal or recording studios, motion picture studios, sound stages, special effects studios, and similar uses.

**Communication Facilities.** Broadcasting and other communication services accomplished through electronic or telephonic mechanisms, as well as structures and equipment cabinets designed to support one or more reception/transmission systems. This subclassification includes wireless telecommunication towers and facilities, radio towers, television towers, telephone exchange/microwave relay towers, cellular telephone transmission/personal communications systems towers, and associated equipment cabinets and enclosures.

**Major.** A communication facility that: (a) is a freestanding, ground-mounted facility; (b) is structure- or roof-mounted and exceeds 10 feet in height above the roof ridge line; or (c) does not qualify as “Minor” below.

**Minor.** A communication facility that is: (a) within the public right-of-way and structurally integrated into or on top of a light standard, utility pole, or a metal or precast concrete monopole that is similar in design to a street light pole or street tree, or similar structure; (b) structure- or roof-mounted not exceeding 10 feet in height above the roof ridge line unless designed as a stealth facility; or (c) a co-location at lower height, structurally integrated, or freestanding stealth facility.

**Light Fleet-Based Services.** Passenger transportation services, local delivery services, medical transport, and other businesses that rely on fleets of three or more vehicles with rated capacities less than 10,000 lbs. This classification includes parking, dispatching, and offices for taxicab and limousine operations, ambulance services, non-emergency medical transport, local messenger and document delivery services, home cleaning services, and similar businesses.

**Marinas.** Facilities that provide a range of services related to the use of boats and other watercraft and commercial and recreational fishing. Services may include, but are not limited to, boat moorings; sales, storage, construction, repair, and maintenance of boats, boat parts, and other marine-related items; marine fueling stations and washing facilities; seafood processing, boat and watercraft charter operations; offices; bait and tackle shops; and hardware sales.

**Public Works and Utilities.** Generating plants, electric substations, solar farms, solid waste collection, including transfer stations and materials recovery facilities, solid waste treatment and disposal, water or wastewater treatment plants, and similar facilities of public agencies or public utilities. This classification also includes facilities such as water reservoirs, wastewater collection or pumping facilities, water wells, stormwater detention basins, and similar utility uses.



**Transit Stations and Terminals.** Facilities for passenger transportation operations, including rail stations, bus terminals, taxi stands, ferry stations, and scenic and sightseeing facilities. This classification excludes terminals serving airports or heliports (see Airports and Heliports).

**Truck Parking.** Facilities for parking and storage of trucks and/or trailers on improved sites that meet all applicable City standards and requirements.

**Vehicle and Freight Terminals.** Property and improvements used for freight, courier, and postal services; freight transfer truck terminals; transfer, loading, and unloading points for vehicles carrying goods and produces; or for the operations of a "common carrier trucking company," including the parking, or servicing, or repairing, or storage of trucks, truck tractors, and/or truck trailers.

#### **16.250.060                    Agricultural and Resource Related Uses**

**Agricultural Activities and Facilities.** The production, keeping, or maintenance for sale, lease, or personal use, of plants and animals useful to man, including the following:

***Animal Production/Keeping.*** The keeping or raising of farm animals (including cattle, goats, horses, sheep), fowl, poultry, fish, and other animals not commonly regarded as household pets. Does not include wild animals as defined in Section 6.04.020 of the Municipal Code, which are not permitted; swine, including pot-bellied pigs, which are not permitted; or cats, dogs, and other household pets.

***Crop Production.*** The production of harvestable products that are planted, grown, and cultivated in the soil.

**Cannabis Cultivation.** Shall have the same meaning as set forth in Business and Professions Code Section 26001(l) as the same may be amended from time to time.

**Community Garden.** An otherwise undeveloped lot divided into multiple garden plots where persons not owning or residing on the property grow and harvest fruits, vegetables, fiber, nuts, seeds, flowers and culinary herbs primarily for personal consumption or use 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.

**Market Garden/Urban Farm.** 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.

**Mineral Extraction.** The extraction of minerals, including mining, digging, dredging, drilling and pumping of water, gases, minerals or combustibles.

**Nurseries.** Commercial facilities for growing flowers, trees, ornamentals, and other landscaping products. The classification includes nurseries that engage in the sale or wholesaling of products predominantly grown on-site. (For establishments primarily engaged in retailing products predominantly grown elsewhere, see Garden Centers).

**Urban Agriculture.** 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.

## **SECTION XLI: SEVERABILITY**

If any 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 without the invalid provision or application, and to this end, the provisions of this act are severable.

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**SECTION XLII: EFFECTIVE DATE**

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

ADOPTED: \_\_\_\_\_

EFFECTIVE: \_\_\_\_\_

\_\_\_\_\_

CHRISTINA FUGAZI

Mayor of the City of Stockton

ATTEST:

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KATHERINE ROLAND, CMC, CPMC

City Clerk of the City of Stockton