

ORDINANCE NO.

AN ORDINANCE AMENDING TITLE 16 OF THE STOCKTON MUNICIPAL CODE (SMC) CHAPTERS 16.12 (LAND USE PERMIT REQUIREMENTS), 16.20 (ALLOWABLE LAND USES AND PERMIT REQUIREMENTS), 16.24 (ZONING DISTRICT DEVELOPMENT STANDARDS), 16.36 (GENERAL DEVELOPMENT AND USE STANDARDS), 16.40 (AFFORDABLE HOUSING INCENTIVES/DENSITY BONUS PROVISIONS), 16.48 (FENCES, HEDGES, AND WALLS), 16.60 (NOISE STANDARDS), 16.64 (OFF-STREET PARKING AND LOADING STANDARDS), 16.72 (PUBLIC IMPROVEMENTS), 16.76 (SIGN STANDARDS), 16.80 (STANDARDS FOR SPECIFIC USES), 16.116 (AMENDMENTS (GENERAL PLAN, DEVELOPMENT CODE, AND ZONING MAP), 16.120 (DESIGN REVIEW), 16.130 (HERITAGE TREE PERMIT), 16.152 (SITE PLAN REVIEW), 16.188 (TENTATIVE MAP AND TENTATIVE PARCEL MAP FILING AND PROCESSING), 16.196 (CONDOMINIUMS AND CONVERSIONS), AND 16.240 (DEFINITIONS/GLOSSARY) FOR CONSISTENCY WITH THE GENERAL PLAN AND CHANGES TO STATE LAW

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

SECTION I: FINDINGS AND INTENT

1. 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 Mandatory Findings of Fact for Development Code Amendments.

- A. **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 to Title 16 are needed for consistency with State Law and to adhere to the General Plan policies, which encourage best practices for development review. These changes will amend land use standards by adding land use performance measures, housing density bonus streamlining, clerical errors, updated references (i.e. building code), and changes to development standards for parking. These amendments are internally consistent with all policy and supportive regulatory documents.

- B. **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 and consistency with the General Plan. There is no substantial evidence in the record that the proposed amendments will result in significant impacts to the environment as identified in the General Plan Environmental Impact Report (EIR). The proposed amendments are consistent with Title 16 standards, the General Plan and any applicable goals, policies, and implementation programs. The proposed amendments

will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

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

Evidence: The proposed development code text amendments are required to provide consistency with changes to the General Plan and State Law and have been considered as part of the General Plan Environmental Impact Report (EIR) (SCH No. 2017052062). These amendments will not result in physical impact or change to the land use intensities identified in the General Plan Environmental Impact Report (EIR). The EIR document provides a programmatic review of the potential impacts associated with implementation of the General Plan. None of the potential changes being considered will impact the analysis or conclusions of the General Plan EIR as the extent of the potential impacts and allowed density considered in the General Plan EIR. Future proposals based on the amendments would be reviewed on a case-by-case basis for consistency with this review and the General Plan EIR.

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.

- A. **Finding #1 (Development Code Amendments):** The proposed amendment would be internally consistent with other applicable provisions of this Development Code.

Evidence: Many of the changes are required per changes to State Law or are needed to bring the development standards into compliance with the recently adopted General Plan policies. These changes will amend land use standards by adding land use performance measures, housing density bonus streamlining, clerical errors, updated references (i.e. building code), and changes to development standards for parking. These amendments are internally consistent with all policy and supportive regulatory documents.

SECTION II: AMENDMENT OF CODE

Title 16, Chapter 16.12, Section 16.12.030 of the Stockton Municipal Code (SMC) is amended to read, as follows

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 ~~sixseven~~ (67) 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 (Table 2-3, Zoning District Development Standards).

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 Table 2-3 (Zoning District Development Standards) and Section [16.80.020](#) (Accessory uses and 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, ~~except: historic landmarks and structures within historic districts, which require a certificate of appropriateness in compliance with Section 16.220.060 (Certificates of appropriateness).~~

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. Utility equipment (boxes, cabinets, pedestals, transformers, vaults, etc.) are subject to Section [18.60.360](#) (Utility equipment). Public or private satellite, cellular, and other wireless communication facilities are subject to Chapter [16.44](#) (Communications Facilities).

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. (~~Ord. 023-07 C.S. § 3; prior code § 16-130.030~~)

- 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.

SECTION III: AMENDMENT OF CODE

Title 16, Chapter 16.20, Section 16.12.020 of the Stockton Municipal Code (SMC) is amended to read, as follows:

16.20.020 Allowable land uses and permit requirements.

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

1. **Permit Requirements for Primary Uses.** The permitting requirements identified in Table 2-2 are:

- a. **Permitted (P).** All land uses shown with a “P” in the table are allowed subject to compliance with all applicable provisions of this Development Code. Site plan review (Chapter 16.152) is required for new construction or for a change to a more intensive use, except as provided by Section 16.152.040 (Exemptions).
- b. **Land Development Permit (L).** All land uses shown as “L” in the table that require construction of new structures or improvements, the expansion of an existing facility, or a change to a more intensive use, as determined by the Director, require the approval of a land development permit (Chapter 16.136). If there will be no construction, expansion of an existing facility, or a change to a more intensive use, the use is allowed without a new land development permit.
- c. **Administrative Use Permit (A).** All land uses shown with an “A” in the tables are allowed subject to the approval of an administrative use permit (Chapter 16.172). If there is an existing use permit for the use and there will be no new construction or expansion of an existing facility, no new use permit shall be required.
- d. **Commission Use Permit (C).** All land uses shown with a “C” in the tables are allowed subject to the approval of a commission use permit (Chapter 16.172). If there is an existing use permit for the use and there will be no new construction or expansion of an existing facility, no new use permit shall be required.
- e. **Not Allowed (Empty Box in Table).** All land uses shown with an empty box in the table are not allowed in the applicable zoning district.
- f. **Not Allowed, Except Under Special Circumstances (E).** All land uses shown with an “E” on the table are not allowed in the applicable zoning district, except under the special circumstances identified in the specific use standards in Division 3.

2. **Uses With Specific Standards.** All uses, regardless of the type of permit that may be required, shall comply with all applicable provisions of this Development Code. In addition, if there is a section number in the last column of the table (“Specific Use Standards”), the use is also subject to the referenced provisions.
 3. **Multiple Uses on a Single Site.** Where a proposed project includes multiple land uses, and more than one type of land use permit is required, the most restrictive land use permit shall apply for all land uses.
 4. **Changes to an Approved Project.** Changes to an approved project that required a land use permit shall be subject to the requirements of Chapter 16.104 (Changes to an Approved Project).
 5. **Uses Not Listed.** Land uses that are not listed in Table 2-2 are not allowed, except as otherwise provided by Section 16.08.020(E) (Rules of interpretation—Allowable uses of land).
- B. Allowable Uses and Permit Requirements for the MX, UC and PT Districts.** The uses of land that may be allowed within the MX, UC and PT zoning districts and the land use permit requirements for each allowable use shall be identified in the master development plan applicable to the specific site, in compliance with Chapter 16.140 (Master Development Plans) and the Rough and Ready Island Development Plan for the Port of Stockton, CA for the PT zoning district (as applicable).
- C. Overlay Zoning Districts.** Development located in overlay zoning districts (Aircraft Operations Overlay District, Design Review Overlay District, Channel Area Overlay District, and Magnolia Historic Overlay District) shall be in compliance with Chapter 16.28 (Overlay Zoning District Land Use and Development Standards).
- D. Accessory Uses.** Accessory land uses are subject to the requirements of Section 16.80.020 (Accessory uses and structures).
- E. Temporary Uses.** Temporary uses are subject to the requirements of Chapter 16.164 (Temporary Activity Permits).
- F. Freeway and Highway Oriented Uses.** The following uses, when both located within 1,000 feet of Interstate 5, State Highway Route 4, or State Highway Route 99 and allowable through a Land Development Permit, Administrative Use Permit, or Commission Use Permit, shall be considered a Permitted (P) use:
1. Auto/Vehicle Services: Car Washes; and
 2. Auto/Vehicle Services: Fueling Stations.

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

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

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS
	R E	R L	R M	R H	C O	C N	C G	CD	C L	C A	I L	I G	P T	P F	O S	

AGRICULTURAL AND RESOURCE-RELATED USES

Agricultural activities & facilities	P											P	P		A	16.80.060
Cannabis cultivation											C	C	C		C	16.80.195
Conservation areas	L	L	L	L	L		L	L	L	L	L	L	L	L	L	
Mining												A	A	A	A	

BUSINESS AND PROFESSIONAL USES

Banks and financial services					P	P	P	P	P	P			P			
Business support services						P	P	P	P	P		P	P			
Offices					P	A	P	P	P	P		A	P	L		16.80.240

INDUSTRY, MANUFACTURING & PROCESSING USES

Electricity generating plants/facilities other than nuclear												C	C	P	P		16.80.170
Electronics, equipment & appliance manufacturing												P	P	P			16.80.170
Fabric product manufacturing								P				P	P	P			16.80.170
Food and beverage product manufacturing								P				P	P	P			16.80.170
Furniture and fixtures manufacturing												P	P	P			16.80.170
Handcraft industries, small-								P				P	P	P			16.80.170

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS
	R E	R L	R M	R H	C O	C N	C G	CD	C L	C A	I L	I G	P T	P F	O S	
scale manufacturing																
Laundries and dry cleaning plants											P	P	P			
Manufacturing																
Light											P	P	P			
Heavy												A	P			
Cannabis distribution											C	C	C			
Cannabis manufacturer (volatile and non-volatile)											C	C	C			
Cannabis, microbusiness											C	C				
Cannabis testing laboratory*					P	P	P	P	P		P	P				
Metal products fabrication, machine/welding shops											P	P	P			
Petroleum storage and distribution												A	P			
Printing and publishing								P		L	P	P	P	L		
Recycling and waste facilities																
Collection facility							L	L	L		P	P	P	L		
Redemption centers																
Major							C	C	C		C	C	C	C		
Minor							A	A	A		A	A	A	A		
Recycling facility												A	P	A		

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS
	R E	R L	R M	R H	C O	C N	C G	CD	C L	C A	I L	I G	P T	P F	O S	
Scrap and dismantling yards												A	P			16.80.170
Transfer stations												C	P	A		16.80.290
Research & development (R&D)								A		L	P	P	P	L		16.80.170
Storage yards											P	P	P	L		16.80.170
Warehouses											P	P	P			16.80.170
Wholesaling and distribution								P			P	P	P			16.80.170

RECREATION, EDUCATION, AND PUBLIC ASSEMBLY USES

Activity centers	A	A	A	A	A	A	A	A	A	L			A	L	C	
Adult related establishments							P	P	P							16.80.030
Auditoriums, meeting halls, and theaters						P	P	P	P	L				L		16.24.080(B)(2) 16.24.090(B) 16.24.110(D) 16.24.180(D)
Bridge clubs and nongambling board games					P	P	P	P	P	L						
Card rooms							C	C	C	L						16.80.040 16.80.270
Clubs, lodges, and private meeting halls					P	P	P	P	P	L	P		P	A		
Commercial amusement facilities						A	A	A	A	A	A					
Educational facilities																
Academic schools— Private-CART.	A	A	A	A	A		A	A	A							

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS
	R E	R L	R M	R H	C O	C N	C G	CD	C L	C A	I L	I G	P T	P F	O S	
Academic schools— Public	P	P	P	P										P		
Colleges and universities— Private		C			C											
Vocational and Technical Schools					P	P	P	P	P	P	P					
Equipment repair and maintenance training							P	P		A	P			L		
Specialized education and training					A	A	P	P	P	A	P		P	L		
Vehicle repair and maintenance training								P		A	P	P	P	L		
Truck and heavy equipment education and training											P	P	P	L		
Equestrian facilities	C										A	A		L	C	
Golf courses/country clubs	C	C	C	C	C		A	A			A		P	L	A	
Indoor recreation facilities							A	A	A	A	A		P	L		
Libraries and museums		C	C	C	P	P	P	P	P	P	P			L	A	
Live entertainment						P	P	P	P					P		16.80.180
Marinas							C	C			C		A	A		

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS
	R E	R L	R M	R H	C O	C N	C G	CD	C L	C A	I L	I G	P T	P F	O S	
Outdoor assembly facilities							A	A	A					L		
Outdoor commercial recreation facilities							C	C	C	C	C			A		
Parks and playgrounds	P	P	P	P	P	P	P	P						P	P	
Pool halls/billiard parlors								C	C	L						
Private entertainment facilities							C	C	C		C					
Private residential recreation facilities	A	A	A	A												
Recreational vehicle parks							A	A			A			L		
Religious facilities	A	A	A	A	P	P	P	P	P	P	P			L		
Studios					P	P	P	P	P	L						

RESIDENTIAL USES

<u>Accessory Dwelling Units (ADU) and Junior Accessory Units (JADU)</u>	<u>P</u>						<u>P</u>									
Caretaker and employee housing					P	P	P	P	P	P	P	L	L	L	L	
Dwelling group			P	P		P		P						L		
Duplexes		P	P	P				P						L		
Mobile home parks		A	A	A			A	A								
Multifamily dwellings			P	P	P	P	P	P						L		

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS
	R E	R L	R M	R H	C O	C N	C G	CD	C L	C A	I L	I G	P T	P F	O S	
Co-Living (Dwelling Unit Facility)				A	A	A	A	A								<u>16.80.225</u>
Organizational houses				A				A								
Residential care facilities																
Assisted living facilities	A		C	P	P	P	P	P						L		16.80.300
Care homes, 6 or fewer clients		P	P	P				P						P		
Family care homes, 7 or more clients	C			C				C						L		16.80.300
Senior care facilities, 7 or more clients			A	A	A			A						L		16.80.300
Rooming and boarding houses				A				A						L		
Senior residential projects			P	P	P	P	P	P						L		16.80.220
Single-family dwellings	P	P	P	P				P						L		
Townhouses		A	P	P	P	P	P	P						L		
Triplexes			P	P				A						L		

RETAIL TRADE

Agricultural chemical sales											A	L	P			16.36.080
Alcoholic beverage sales																
Bars and nightclubs— On-sale						C	C	C	C							16.80.270
Sale of alcohol—Off-sale						C	C	C	C				C	C		16.80.040

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS
	R E	R L	R M	R H	C O	C N	C G	CD	C L	C A	I L	I G	P T	P F	O S	
With another use—On-sale						L	L	L	L				L	L		
Artisan shops					P	P	P	P	P	L	P					
Auto and vehicle sales—New								L		P						16.24.120 16.80.070 16.80.330
Auto and vehicle sales—Used							L			A	L					16.24.120 16.80.070 16.80.330
Auto and vehicle leasing/rental							A	L		A	L					16.80.070
Auto parts sales						P	P	P	P	A						
Building material stores						A	P	L	P		P					16.80.330
Construction, farm & heavy equipment sales							A			A	P	P	P			16.80.330
Convenience stores						C	C	C	C							16.80.040 16.80.140 16.80.270
Furniture, furnishings, and appliance stores					C	P	P	P	P	P	P					16.80.330
Mobile home sales										A	P					16.80.330
Nurseries and garden supply stores	A				C	A	P	P	P	P	P					16.80.330
Outdoor retail sales and activities								A	A		A					16.80.260
Pet shops						P	P	P	P							
Recreational vehicle & boat sales—New/used								L		A	L					16.80.330
Restaurants					P	P	P	P	P	P			P			16.80.250
Retail stores				A	P	P	P	P	P	P	P		P			16.80.330

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS
	R E	R L	R M	R H	C O	C N	C G	CD	C L	C A	I L	I G	P T	P F	O S	
Secondhand stores/pawn shops							A	A	A							
Shopping centers																
Neighborhood							P	P								16.80.330
Community							P	P								16.80.330
Regional								P	P							16.80.330
Warehouse retail stores							C	C	C							16.80.330

SERVICES

Adult day care facilities					P	P	P	P	P				A	L		
Animal services																
Kennel and boarding facilities	A				A						A	A				
Pet grooming	A				A	P	P	P	P	L						
Training facilities	A				A		L	L		L	L	L				
Veterinary clinics and animal hospitals	A				A	C	P	P	P	P	P					16.80.370
Auto/vehicle services																
Car washes							A	A	A	P	A		P			
Fueling stations						A	L	L	L	P	L		P			16.80.320 16.80.340
Inoperable vehicle storage											L	L				
Maintenance/minor repair						A	P	P	P	P	P	P	P			16.80.320
Major repair/body work										P	P	P	P			16.80.340

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS
	R E	R L	R M	R H	C O	C N	C G	CD	C L	C A	I L	I G	P T	P F	O S	
Parking facilities		C	C	C	A	A	P	P	P	P	P		P	L		16.64.080
Vehicle storage								L		P	P	P	P	P	L	
Cannabis retailer storefront					C	C	C	C	C		C	C				16.80.195
Child care facilities																
Child care centers	C	C	C	C	P	P	P	P	P	P				P	P	16.80.100
Large family child care homes	P	P	P	P	P	P	P	P							P	16.80.100
Small family child care homes	P	P	P	P	P	P	P	P							P	
Equipment rental								L	P	A	P			P		
Funeral facilities and services																
Cemeteries		C	C	C	C		C	C		C	C	C			C	C
Mortuaries							C	C		C	A	A			A	
Funeral homes					A	A	A	A		A						
Health/fitness facilities						P	P	P	P	L						
Lodging facilities																
Bed and breakfast		C	C	C	P	P	P	P							A	16.80.090
Extended-stay facilities							P	P	P							
Hotels and motels					P		P	P	P					P		
Massage establishment																16.80.190
State certified					P	P	P	P	P							
Non-certified						C	C	A	A							

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS
	R E	R L	R M	R H	C O	C N	C G	CD	C L	C A	I L	I G	P T	P F	O S	
Medical services																
Ambulance service					A		P	P	P	L	P		P	L		
Clinics and laboratories					P	P	P	P	P	L			P	L		
Extended care	C	C	C	P	P		P	P					L			
Health-related					P	P	P		P					A		
Hospitals					C		C	C						C		
Medical-related facilities					P	P	P	P	P					P		
Non-storefront cannabis retail operator permit (delivery only)					A	A	A	A	A		A	A				
Personal services— Restricted						C	C	A	A							
Personal services— Unrestricted						P	P	P	P				P			
Personal storage facilities (mini-storage)							A		L	L	P	P	P			
Repair services						P	P	P	P	P	P					
Sanitary services											C	A	P	L		
Social services facilities																
Drug abuse, alcohol recovery/treatment facility					A		A	A						A		
Feeding centers								C			C	C		A		
Emergency shelters				C	C		C	C			P	P		P		

TRANSPORTATION AND COMMUNICATION USES

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS
	R E	R L	R M	R H	C O	C N	C G	CD	C L	C A	I L	I G	P T	P F	O S	
Broadcasting studios						P	P	P	P	A	P	P	P	L		
Communications facilities																
Minor		E	E	E	P		P	P	P	P	P	P	P	P	P	
Major					A		A	A	A	A	A	P	P	A		
Transit stations and terminals							C	C			C	C	P	C		
Vehicle and freight terminals											P	P	P			

OTHER USES

Live-work space				P	P	P	P	P	P		P					
Major impact facilities												C	C	C		
Motion picture production								P			P	P	P			
Multi-use facilities					P	P	P	P	P		A	A	P			16.80.230
Public and semipublic utility facilities	A	A	A	A	A	A	P	P	P	L	P	P	P	L		
Public institutions	C	C	C	C	C	C	C	C	C		C	C	L	L		
Signs—Off-premises							E	E	E		E	E	E	E		16.76.110

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

Notes:

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

A use permit shall be required of any new commercial, industrial, institutional, or accessory use, or major addition that involves the manufacture, storage, handling, or processing of hazardous materials in compliance with Section 16.36.080 (Hazardous materials).

See Division 8 for definitions of the listed land uses.
 Home occupations require a home occupation permit (Chapter 16.132).

* Cannabis laboratories are not allowed to vertically integrate. This use is a stand-alone cannabis business and cannot be combined with any other cannabis business type.

~~(Ord. 2019-07-16-1504 C.S. § 4; Ord. 2019-03-05-1501 C.S. § 4; Ord. 2018-09-18-1502 C.S. § 19; Ord. 2017-12-05-1503 C.S. § 3; Ord. 2016-06-28-1503-01 C.S. § II; Ord. 2016-05-24-1605 C.S. § IV; Ord. 2016-04-12-1602 C.S. § II; Ord. 2016-01-26-1601 C.S. § 2; Ord. 2014-07-29-1601 C.S. § 2; Ord. 2014-05-20-1601 C.S. § 2; Ord. 2013-12-17-1601 C.S. § 1; Ord. 2013-12-17-1210 C.S. § 2; Ord. 2013-07-30-1603-01 C.S. § 2; Ord. 2012-08-14-1602-02 C.S. § 1, eff. 9-13-12; Ord. 2012-04-10-1601 C.S. § 1; Ord. 011-11 C.S. § 1, eff. 10-27-11; Ord. 013-10 C.S. § 1, eff. 9-23-10; Ord. 011-10 C.S. § 1, eff. 8-26-10; Ord. 015-09 C.S., eff. 12-3-09; Ord. 014-09 C.S. § 2, eff. 11-5-09; Ord. 011-08 C.S. § 2; Ord. 001-08 C.S. § 1; Ord. 023-07 C.S. §§ 5, 6; Ord. 018-071 C.S. § 1; prior code § 16-220.020)~~

SECTION IV: AMENDMENT OF CODE

Title 16, Chapter 16.24, Section 16.24.200 of the Stockton Municipal Code (SMC) is amended to read, as follows:

16.24.200 Table 2-3 Zoning District Development Standards.

**TABLE 2-3.A
ZONING DISTRICT DEVELOPMENT STANDARDS**

Development Feature (See Division 8 for definition of each)	REQUIREMENT BY ZONING DISTRICT															
	RE	RL	RM	RH	CO	CN	CG	CD	CL	CA	IL	IG	PT	PF	OS	MX, UC
Minimum lot size	<i>Minimum area and width for new parcels. For a minimum specific zoning district area size requirement, see Section 16.16.020 (Zoning districts established)</i>															
Area	1 ac	5,000 sf	7,500 sf	7,500 sf	No minimum						5 acres					
Width	150 ft	50 ft		No minimum												
Density	<i>Number of dwellings permitted in a residential subdivision or in a multifamily residential project on an acre (net) of land.</i>															
Dwelling units per net acre (minimum - maximum)	For allowable densities see Table 2-3.B															
Maximum # of dwellin	±	±	± per	± per	± per	± per	± per	± per	No minimum							

Development Feature (See Division 8 for definition of each)	REQUIREMENT BY ZONING DISTRICT															MX, UC
	RE	RL	RM	RH	CO	CN	CG	CD	CL	CA	IL	IG	PT	PF	OS	
g-units per parcel			2,500-sf	1,500-sf	1,500-sf											
Setbacks	<i>Minimum setbacks required. See Division 8 for definitions. See Section 16.36.110 for setback measurement, allowed projections into setbacks, and exceptions.</i>															
Front	30 ft	20 ft	15 ft	15 ft	10 ft	None*	10 ft	None				10 ft				20 ft
Side(s)	10 ft		5 ft		5 ft	None required, except when adjacent to a residential zone, structures shall be set back a distance of 10 feet or as required by Division 3 for specific land uses. In the CA zone, structures shall be set back from a residential zone equal to their height.										20 ft
Sides, street	10 ft		10 ft		10 ft	None*	10 ft	None				10 ft				20 ft
Rear	30 ft		10 ft		10 ft	None required, except when adjacent to a residential zone, structures shall be set back a distance of 10 feet or as required by Division 3 for specific land uses. In the CA zone, structures shall be set back from a residential zone equal to their height.										20 ft
Site coverage	<i>Maximum percentage of site area that may be covered by structures. See Division 8 for definitions. See Section 16.36.120 for exceptions.</i>															
Maximum coverage	25%		50%		60%	100%	60%	100%	50%			60%		50%	1%	
Height limit	<i>Maximum height for primary structures. See Section 16.36.090 for height measurement and exceptions.</i>															
Maximum height	35 ft		35 ft		45 ft	35 ft	45 ft	No limit	75 ft	45 ft		60 ft	No limit	75 ft	35 ft	
Landscaping	See Chapter 16.56 (Landscaping Standards)															
Parking and loading	See Chapter 16.64 (Off-Street Parking and Loading Standards)															
Signs	See Chapter 16.76 (Sign Standards)															

* If adjacent to residential zoning districts, the setback shall be none if the structure in the CN zoning district is at least 20 feet from the residential zoning district, otherwise the setback shall be 10 feet.

TABLE 2-3.B
ZONING DISTRICT DENSITY AND FLOOR AREA RATIO

Zone	Density	Floor Area Ratio (FAR)
RE	Max. 1 dwelling unit per acre	NA
RL	8.7 dwelling units per net acre and 6.1 gross acre	NA
RM	Allowable density shall be 8.8 to 17.4 dwelling units per net acre and 6.2 to 13.1 dwelling units per gross acre.	The maximum floor area ratio (FAR) for neighborhood-serving non-residential retail uses is 0.3.
RH	Outside the Greater Downtown area—17.5 to 30 dwelling units per net acre and 13.2 to 24 dwelling units per gross acre.	Outside the Greater Downtown area - The maximum floor area ratio (FAR) is 0.3.
	Inside the Greater Downtown area may be 20 to 90 dwelling units per net acre and 16 to 72 dwelling units per gross acre.	Inside the Greater Downtown area - The maximum floor area ratio (FAR) is 3.0.
	Inside the Downtown Core—up to 20 to 136 dwelling units per net acre and 16 to 108.8 dwelling units per gross acre.	Inside the Downtown Core - The maximum floor area ratio (FAR) is 5.0.
CO, CN, CG, and CD	Outside the Greater Downtown area—17.5 to 30 dwelling units per net acre and 13.2 to 24 dwelling units per gross acre.	Outside the Greater Downtown area - The maximum floor area ratio (FAR) is 0.3.
	Inside the Greater Downtown area may be 20 to 90 dwelling units per net acre and 16 to 72 dwelling units per gross acre.	Inside the Greater Downtown area - The maximum floor area ratio (FAR) is 3.0.
	Inside the Downtown Core—up to 20 to 136 dwelling units per net acre and 16 to 108.8 dwelling units per gross acre.	Inside the Downtown Core - The maximum floor area ratio (FAR) is 5.0.
PF	-	The maximum FAR is 0.2.
OS	-	The maximum FAR is 0.01.
UC	-	The maximum FAR is 0.5 Outside the Downtown and 5.0 inside the Greater Downtown area.
CL, CA, IL, IG, PT, MX, Overlay	-	-

(Ord. 2020-06-09-1501 C.S. § 5; Ord. 023-07 C.S. § 11; prior code Table 2-3)

SECTION V: AMENDMENT OF CODE

Title 16, Chapter 16.36, Section 16.36.090 of the Stockton Municipal Code (SMC) is amended to read, as follows:

16.36.090 Height measurement and height limit exceptions.

All structures shall meet the following standards relating to height, except for fences and walls, which shall comply with Chapter 16.48 (Fences, Hedges, and Walls).

- A. **Maximum Height.** The height of structures shall not exceed the standard established by the applicable zoning district in Table 2-3 (Zoning District Development Standards). 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](#) ~~Uniform Building Code~~.

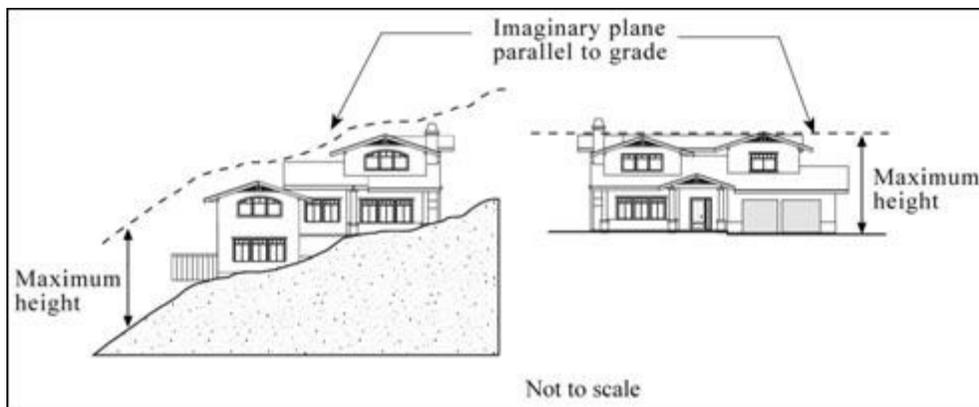


FIGURE 3-3 HEIGHT MEASUREMENT

- B. **Exceptions to Height Limits.** The Director may approve exceptions to the height limits of this Development Code:

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(B) (Screening and buffering—Mechanical equipment, loading docks, and refuse areas). 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. In no case shall a roof-mounted structure be allowed for the purpose of providing or creating additional floor space.
2. **Communications Facilities.** Communication facilities, including antennae (television, radio, cellular, etc.), poles, towers, and necessary mechanical appurtenances, may be authorized to exceed the height limit established for the applicable zoning district, 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.

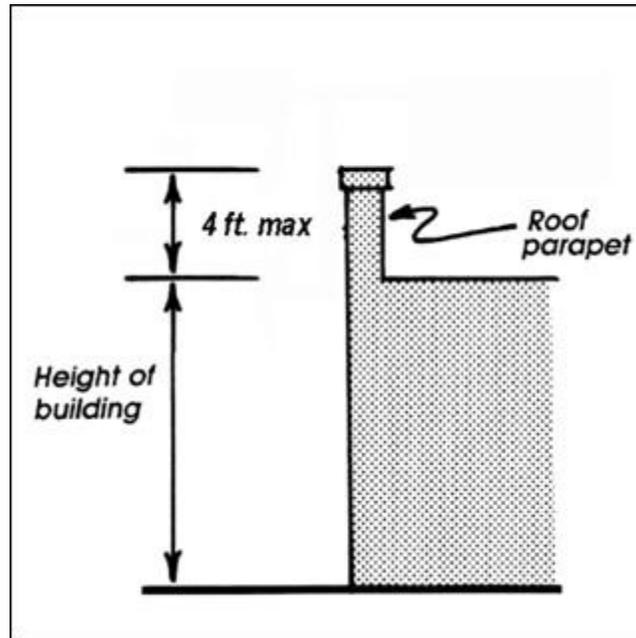


FIGURE 3-4 PARAPET WALL HEIGHT

4. **Institutional Uses.** Public and private institutional uses, including government buildings, hospitals, schools, and other similar structures, as determined by the Director, may be built to a maximum of 75 feet, including roof-mounted structures, provided the front, side, and rear setback requirements shall each be increased by one (1) additional foot for each one (1) foot that the structure exceeds the height limit established for the applicable zoning district.
5. **Residential Units.** Residential units may be built to a maximum of 45 feet in height provided both side yards are each increased by one (1) additional foot for each one (1) foot that the height of the structure exceeds 35 feet.
6. **Flagpoles.** Freestanding flagpoles shall be allowed:
- Nonresidential.** To 60 feet for nonresidential land uses.
 - Residential.** To a maximum height of 15 feet in the setback area in compliance with Section 16.80.020 (Allowed use and structures); flagpoles located within the building envelope may be to the height allowed in the zoning district.

~~(Ord. 015-09 C.S., eff. 12-3-09; Ord. 023-07 C.S. § 19; prior code § 16-310.090)~~

SECTION VI: AMENDMENT OF CODE

Title 16, Chapter 16.36, Section 16.36.110 of the Stockton Municipal Code (SMC) is amended to read, as follows:

16.36.110 Setback regulations and exceptions.

This section establishes standards to ensure the provision of open areas around structures for: visibility and traffic safety; access to and around structures; access to natural light and ventilation; separation of incompatible land uses; and space for privacy, landscaping, and recreation.

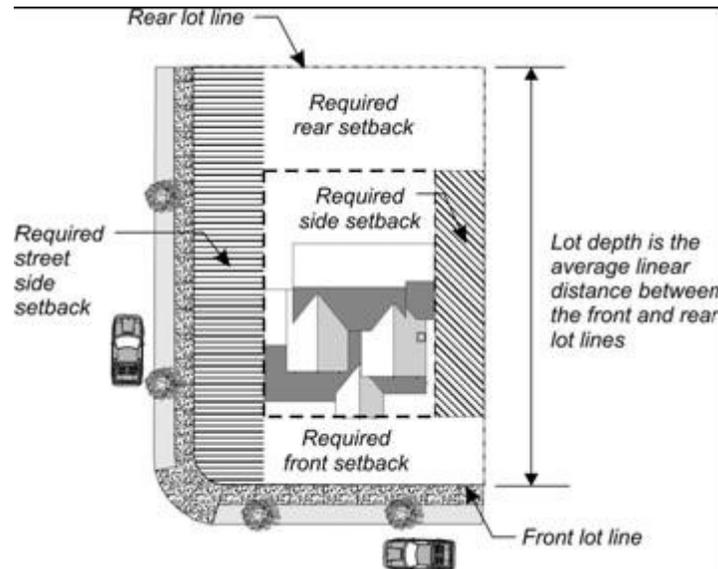


FIGURE 3-6 LOCATION AND MEASUREMENT OF SETBACKS

A. Setback Requirements.

1. Structures.

a. **Primary Structures.** All primary structures shall conform with the setback requirements established for each zoning district by Table 2-3 (Zoning District Development Standards), and with any special setbacks established for specific uses by this Development Code.

b. **Accessory Structures.** All accessory structures shall comply with the requirements of Section 16.80.020 (Accessory uses and structures).

2. **Setback Areas.** Each setback area shall be open and unobstructed from the ground upward, except as provided in this section.

3. **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.

B. **Exemptions From Setback Requirements.** The minimum setback requirements of this Development Code apply to all uses except for the following:

1. Fences or walls constructed within the height limitations of the Development Code in compliance with Chapter 16.48 (Fences, Hedges, and Walls).
2. Retaining walls less than three (3) feet in height above finished grade in compliance with subsection (D)(2)(d) of this section (Retaining walls).
3. Elements that are placed directly upon the finish grade and do not exceed a height of 30 inches at any point above the surrounding finish grade shall be exempt as follows. Elements over 30 inches above the surrounding finish grade at any point, shall conform to the setback requirements identified in Table 3-13 (Required Setbacks—Accessory Uses and Structures).
 - a. In front and street side setback areas in residential zoning districts:
 - i. Driveways, walks, and steps. The driveway shall be limited to the area necessary to provide safe and efficient ingress and egress from the required off-street parking spaces located behind a setback area;
 - ii. Decks, patios, and terraces;
 - iii. One (1) flagpole that does not exceed 15 feet in height and is set at least five (5) feet from the property line;
 - iv. Lampposts adjacent to walkways, stairways, and driveways that do not exceed six (6) feet in height;
 - v. Landscape accent lighting that does not exceed 18 inches in height; and
 - vi. Public utility vaults, including footings, if completely underground. Any mechanical or electrical equipment shall be subject to the setback requirements in this Development Code.
 - b. The following elements that are placed directly upon the finish grade and do not exceed a height of 30 inches above the surrounding finish grade shall be exempt in the side and rear setback areas:
 - i. All elements exempt under subsection (B)(3) of this section (Exemptions from setback requirements);
 - ii. Freestanding solar devices;
 - iii. Hot tubs, swimming pools, or spas in compliance with subsection (D)(2)(b) of this section (Hot tubs and swimming pools/spas), provided they are at least three (3) feet from any property line; and
 - iv. Other site design elements.
4. Commercial structures adjacent to residential zoning districts over 35 feet in height shall be set back from the property line adjoining the residential zoning district an additional one (1) foot for each two (2) feet of building height over 35 feet.
5. If 50 percent or more of the parcels on one (1) side of a block between two (2) intersections have been developed, the required setback for the front or street side yard for any new development or structural alteration may be the average of the setback of the other structures on the block or the required setback. See Figure 3-7.
6. If 50 percent or more of the frontage of the parcels of a block in a residential zoning district are developed with buildings having front yards which vary in depth by not more than six (6) feet, the front yard setback for any building or structure that is erected or structurally

altered shall be no less than the average of the established front yards, provided the front yard setback shall not be more than 50 feet or less than the minimum front yard setback required in the zoning district in which the property is located.

7. Any parcel of land with a width of less than 50 feet, measured at a point midway between the front and rear lot lines, may reduce the width of each side yard (interior side yards only) to 10 percent of the width of the parcel provided the side yard setback is no less than three (3) feet.
8. For accessory uses and structures, see Section 16.80.020 and Table 3-13.

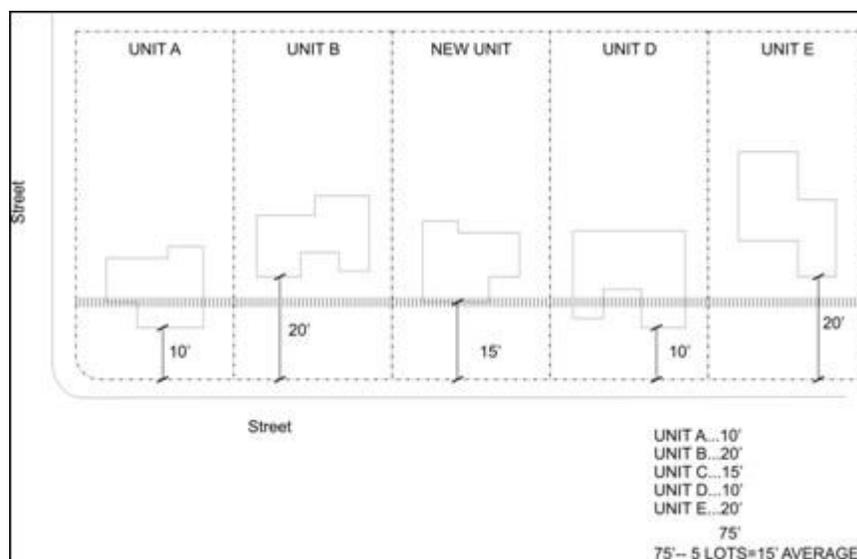


FIGURE 3-7 AVERAGING OF SETBACK REQUIREMENTS

C. **Measurement of Setbacks.** Setbacks shall be measured as follows. See Figure 3-6.

1. **Front Yard Setbacks.** The front yard setback shall be measured at right angles from the nearest point on the front property line of the parcel to the nearest point of the building envelope, except for corner parcels.

a. **General.** ~~The front yard setback shall be measured at right angles from the nearest point on the front property line of the parcel to the nearest point of the structure building envelope, except for corner parcels, below.~~

b. **Corner Parcels.** ~~The measurement for corner parcels shall be taken from the nearest point of the structure envelope to the nearest point of the property line adjoining the street to which the property is addressed or the street from which access to the property is taken, as determined by the Director. If the corner is sniped, measurements shall be from the projection of the intersecting property lines. Whenever a future street right of way line is officially established, required yards shall be measured from the established line(s).~~

2. **Side Yard Setbacks.** The side yard setback shall be measured at right angles from the nearest point on the side property line of the parcel to the nearest line of the structure envelope,

establishing a setback line parallel with the side property line that extends between the front and rear yards.

3. **Street Side Yard Setbacks.** The side yard on the street side of a corner parcel shall be measured from the nearest point of the side property line adjoining the street to the nearest line of the structure envelope, establishing a setback line parallel with the street side property line that extends from the front property line to the rear property line.

4. **Rear Yard Setbacks.** The rear yard setback shall be measured at right angles from the nearest point on the rear property line of the parcel to the nearest line of the structure envelope, establishing a setback line parallel with the rear property line that extends between the side yards, except:

- a. If an access easement or street right-of-way line extends into or through a rear yard, the measurement shall be taken from the nearest point of the access easement or right-of-way line; and
- b. Where the side lot lines converge to a point at the rear of the parcel, a line 10 feet long within the parcel, parallel to and at a maximum distance from the front parcel line, shall be deemed to be the rear lot line for the purpose of determining the depth of the required rear yard. See Figure 3-8.

5. **Projection into Setbacks.** Any projections shall be measured from the wall of the structure.

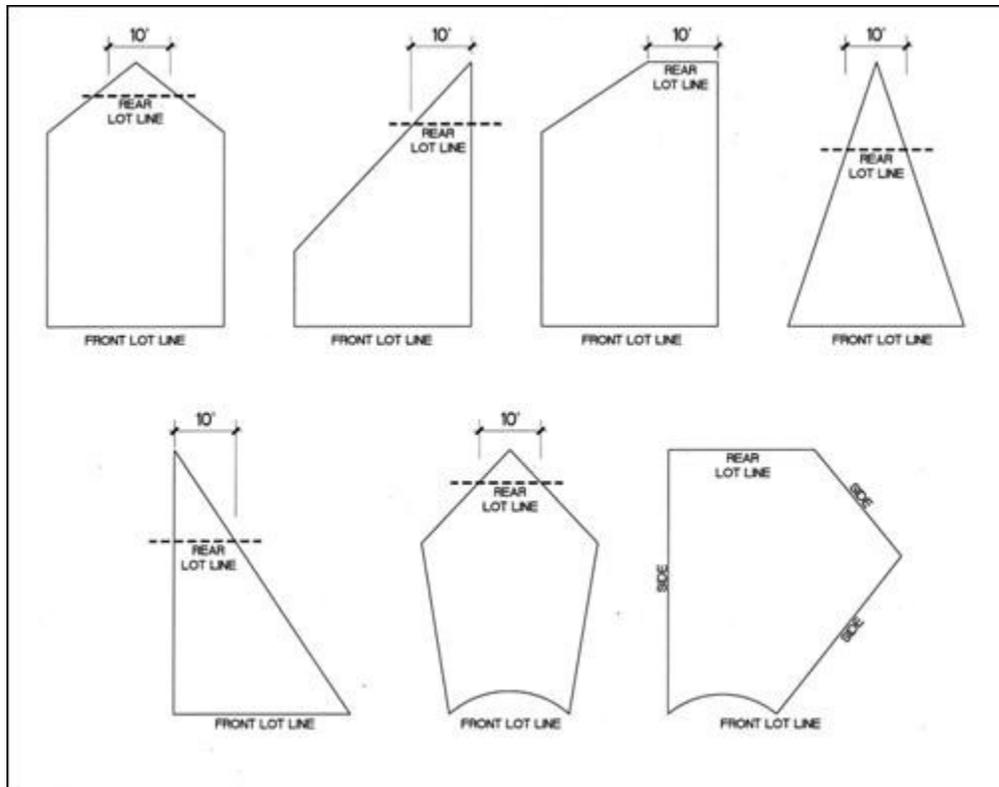


FIGURE 3-8 REAR YARD SETBACKS ON IRREGULARLY-SHAPED LOTS

D. **Allowed Projections into Setbacks.** Projections into the required setbacks are allowed only as follows.

1. **Primary Structure.** The features of a primary structure may only encroach into the required front, side, and rear yard setbacks as follows, provided that in the case of residential development, at least one (1) side yard has a minimum of five (5) feet that is open and unobstructed from the ground upward and the other side yard has at least a three (3) foot walkway between the front and rear yards that is open and unobstructed (Figure 3-27):

a. **Front, Rear and Street Side Yard Setback.** The following may encroach into the required front, rear, and street side yard setbacks as follows:

- i. Architectural features on the main structure, including decorative balconies and bay windows, belt courses, greenhouse windows, awnings, canopies, cornices, buttresses, ornamental features, and eaves that do not increase the usable area enclosed by the structure, up to four (4) feet;
- ii. Covered and unenclosed porches located at the same level as the entrance floor of the structure, covered and unenclosed patios, outside stairways and balconies, landings, and fire escapes that are not enclosed, up to four (4) feet;
- iii. Attached garage structures that are nonhabitable space and provide a side-entry garage may be constructed with a minimum 15-foot front setback. See Figure 3-9.

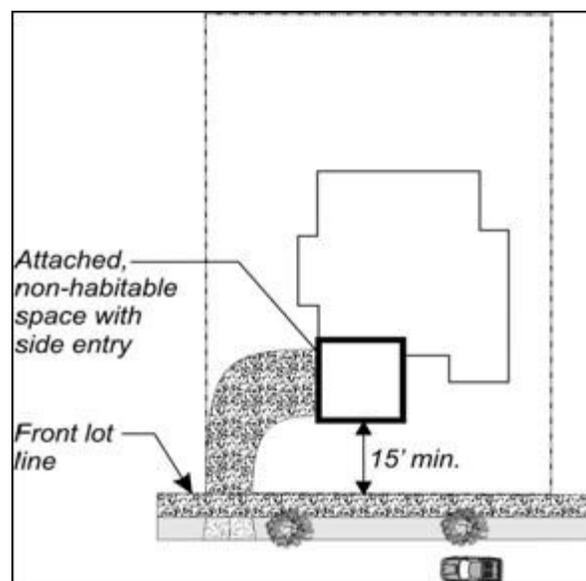


FIGURE 3-9 SIDE-ENTRY GARAGE SETBACK

b. **Side Yard Setback.**

- i. The footprint of the primary structure may have a single projection encroach a maximum of 20 square feet into one (1) required side yard only, the structure shall be no closer than three (3) feet to the side property line. This does not include mechanical equipment (e.g., air conditioners, water softeners, etc.) (see Figure 3-27).
 - ii. Architectural features on the main structure, including decorative balconies and bay windows, belt courses, greenhouse windows, awnings, canopies, cornices, buttresses, ornamental features, and eaves that do not increase the floor area of the structure may extend up to two (2) feet, but shall be no closer than three (3) feet from the side property line.
 - c. **Rear Yard Setback.** A chimney/fireplace, flue up to two (2) feet, but no closer than eight (8) feet, to the rear property line.
- 2. **Setback Requirements for Specific Structures.**
 - a. **Detached Residential Accessory Structures.** Detached residential accessory structures may be located in the required front, side, or rear yard in compliance with Section 16.80.020 (Accessory uses and structures).
 - b. **Retaining Walls.**
 - i. **Up to Three (3) Feet.** Retaining walls up to three (3) feet in height are exempt from setback requirements.
 - ii. **Three (3) to Six (6) Feet.** Retaining walls from three (3) feet up to six (6) feet in height may be located within a required non-street side or rear setback area in residential zones and any setback area in nonresidential zones provided the exposed side of the wall faces into the subject parcel.
 - iii. **Other.** Rear and non-street side setbacks for retaining walls greater than six (6) feet in height, or where the exposed side of the wall faces out from the subject parcel without regard to height, shall be subject to the same requirements as the main structure in the applicable zoning district.
 - c. **Fences.** Fences, hedges, and walls shall be in compliance with Chapter 16.48 (Fences, Hedges, and Walls).
 - d. **Signs.** Signs shall be in compliance with Chapter 16.76 (Sign Standards).
- E. **Projections into Public Rights-of-Way.** A revocable permit shall be required to project into a public right-of-way.
- F. **Lots Abutting an Alley.** If a lot abuts a public alley, no primary or accessory structure shall project or extend nearer than five (5) feet from the property line abutting the alley, except:
 - 1. Garages/car ports whose entrance is from the alley shall be a minimum of 10 feet from the property line abutting the alley.
 - 2. Existing residential structures and/or existing residential accessory structures in compliance with Section 16.228.060 (Loss of nonconforming status) and this Development Code may be repaired or rebuilt in the same location if damaged or destroyed.
- G. **Railroad.**

1. **Residential.** Habitable residential buildings adjacent to a railroad track shall be located a minimum of 85 feet from the outer rail of the track.
2. **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. (~~Ord. 2016-05-24 1605 § V; Ord. 015-09 C.S., eff. 12-3-09; Ord. 023-07 C.S. §§ 21–24; prior code § 16-310.110~~)

SECTION VII: AMENDMENT OF CODE

Title 16, Chapter 16.40, Section 16.40.010 of the Stockton Municipal Code (SMC) is amended to read, as follows:

Chapter 16.40 AFFORDABLE HOUSING INCENTIVES/DENSITY BONUS PROVISIONS

16.40.010 Purpose.

~~This chapter provides incentives for the development of housing that is affordable to the types of households and qualifying residents identified in Section 16.40.020 (Eligibility for bonus and incentives). In offering these incentives, this chapter is intended to implement the requirements of State law (Government Code Section 65915, et seq.) and the goals and policies of the City's housing element. (Ord. 015-09 C.S., eff. 12-3-09)~~

~~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.~~

SECTION VIII: AMENDMENT OF CODE

Title 16, Chapter 16.40, Section 16.40.020 of the Stockton Municipal Code (SMC) is amended to read, as follows:

16.40.020 Applicability~~Eligibility for bonus and incentives.~~

~~A density bonus or other incentives may be provided under Government Code Section 65915, et seq., provided all requirements under State law and the applicable provisions of this Development Code are complied with. (Ord. 2020-06-09 1501 C.S. § 7; Ord. 015-09 C.S., eff. 12-3-09). 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.~~

SECTION IX: AMENDMENT OF CODE

Title 16, Chapter 16.40, Section 16.40.030 of the Stockton Municipal Code (SMC) is amended to read, as follows:

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 Section 16.24.200, Table 2-3.B 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 or more bedrooms.
- J. Housing Development. A development project of five 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 multifamily 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 as provided at Section 16.24.200, Table 2-3.B.
- 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.

SECTION X: AMENDMENT OF CODE

Title 16, Chapter 16.40, Section 16.40.040 of the Stockton Municipal Code (SMC) is added to read, as follows:

16.40.040 Types of Density bonuses.

Based on the size of the increase requested, the City defines three 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 35%). The City will allow an eligible Housing Development a 35-percent density bonus maximum and Concessions or Incentives as set forth in this Chapter and State law.
- B. Tier-1 Supplemental Density Bonus (36% to 50%). The City will allow an eligible Housing Development up to a 50-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 (51% 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.

SECTION XI: AMENDMENT OF CODE

Title 16, Chapter 16.40, Section 16.40.050 of the Stockton Municipal Code (SMC) is added to read, as follows:

16.40.050 Concessions or Incentives, Waivers or Reductions, and Eligibility Points.**A. Applicable Concessions or Incentives. Eligible Housing Developments shall receive a total of three 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.
 - i. Up to 25-percent reduction for all density bonus types (Section 16.40.040).
 - ii. Up to 50-percent reduction for Housing Developments that demonstrate at least 25-percent of total units affordable to very-low/low income households.
 - iii. Up to 75-percent reduction for Housing Developments that demonstrate at least 50-percent of total units affordable to very-low/low income households.
 - iv. 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).
 - i. Up to 5-percent increase for all density bonus types (Section 16.40.040).
 - ii. Up to 10-percent increase for Housing Developments that demonstrate at least 25-percent of total units affordable to very-low/low income households.
 - iii. Up to 15-percent increase for Housing Developments that demonstrate at least 50-percent of total units affordable to lower income households.
 - iv. 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. 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: 1 additional point for each additional percent of very-low/low-income units included in the Housing Development.
2. Sustainable Design.:
 - i. LEAD Certification:
 1. Certified: 15 pts.
 2. Silver: 20 pts.
 3. Gold: 25 pts.
 4. Platinum: 30 pts.
 - ii. 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.
 - iii. 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:
 - i. Housing Developments within the Downtown Core: 15 pts.
 - ii. Housing Developments within a Disadvantaged Community: 25 pts.
 - iii. Housing Developments within a Qualified Opportunity Zone as certified by the Secretary of the U.S. Treasury via his delegation of authority to the Internal Revenue Service: 25 pts.

SECTION XII: AMENDMENT OF CODE

Title 16, Chapter 16.40, Section 16.40.060 of the Stockton Municipal Code (SMC) is added to read, as follows:

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:
 1. Number of Market rate units;
 2. Number of Affordable Housing units and their targeted income level;
 3. Means to ensure affordability (i.e. deed restriction, income verified);
 4. Other provisions (e.g. land donation), which will demonstrate eligibility for a State Density Bonus under this Chapter; and
 - 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).

SECTION XIII: AMENDMENT OF CODE

Title 16, Chapter 16.40, Section 16.40.080 of the Stockton Municipal Code (SMC) is amended to read, as follows:

16.40.0~~7080~~ 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. The Density Bonus Housing Agreement shall be binding on all future owners and successors of interests of the Housing Development; and
9. The Density Bonus Housing Agreement shall 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.

~~A.— An owner/developer requesting a density bonus shall draft and agree to enter into a density bonus housing agreement (agreement) with the City. The terms of the draft agreement shall be reviewed and revised as appropriate by the Director, the Housing and Redevelopment Director, and/or the City Attorney. The Director and/or Commission shall make a recommendation regarding the agreement to the Council for final action.~~

~~B.— Following execution of the density bonus housing agreement by all parties, the completed agreement, or memorandum thereof, shall be recorded on the parcel or parcels designated for the construction of target units. The approval and recordation shall take place before final map approval, or, where a map is not being processed, before issuance of building permits for the parcels or units. The agreement shall be binding to all future owners, developers, and/or successors in interest.~~

~~C.— The density bonus housing agreement shall include at least the following:~~

1. ~~The total number of units approved for the housing development, including the number of target units;~~
 2. ~~A description of the household income group to be accommodated by the housing development, and the standards for determining the corresponding affordable rent or affordable sales price and housing cost;~~
 3. ~~The location, unit sizes (square feet), and number of bedrooms of target units;~~
 4. ~~Tenure of use restrictions for target units of at least 10 or 30 years, in compliance with Section 16.40.050 (Continued availability);~~
 5. ~~A schedule for completion and occupancy of target units;~~
 6. ~~A description of the additional incentive(s) being provided by the City;~~
 7. ~~A description of remedies for breach of the density bonus housing agreement by the owners, developers, and/or successors in interest of the project; and~~
 8. ~~Other provisions to ensure implementation and compliance with this chapter.~~
- D. ~~In the case of for sale housing developments, the density bonus housing agreement shall provide for the following conditions governing the initial sale and use of target units during the applicable use restriction period:~~
1. ~~Target units shall, upon initial sale, be sold to eligible very low or low income households at an affordable sales price and housing cost, or to qualified residents (i.e., maintained as senior citizen housing).~~
 2. ~~Target units shall be initially owner occupied by eligible very low or low income households, or by qualified residents in the case of senior citizen housing.~~
 3. ~~The initial purchaser of each target unit shall execute an instrument or agreement approved by the City restricting the sale of the target unit in compliance with this ordinance during the applicable use restriction period. The instrument or agreement shall be recorded against the parcel containing the target unit and shall contain provisions as the City may require to ensure continued compliance with this ordinance and State Density Bonus Law.~~
- E. ~~In the case of rental housing developments, the density bonus housing agreement shall provide for the following conditions governing the use of target units during the use restriction period:~~
1. ~~The rules and procedures for qualifying tenants, establishing affordable rent, filling vacancies, and the proper management and maintenance of target units for qualified tenants;~~
 2. ~~Provisions requiring owners to verify tenant incomes and maintain books and records to demonstrate compliance with this chapter; and~~
 3. ~~Provisions requiring owners to submit an annual report to the City, which includes the name, address, and income of each person occupying target units, and which identifies the bedroom size and monthly rent or cost of each target unit.~~
- F. ~~A density bonus housing agreement shall be between the owner/developer and the City.~~
- G. ~~A density bonus housing agreement shall be a condition of the discretionary planning action (i.e., tentative map, planned development permit, or use permit before the Commission), if applicable, for all housing developments provided under the authority of this Development Code. The agreement shall be~~

~~recorded as a restriction on the parcel or parcels on which the target units would be constructed. (Ord. 015-09 C.S., eff. 12-3-09)~~

SECTION XIV: AMENDMENT OF CODE

Title 16, Chapter 16.40, Section 16.40.090 of the Stockton Municipal Code (SMC) is rescinded as follows:

~~16.40.090 Control of resale.~~

~~Rescinded.~~

~~In order to maintain the availability of for sale affordable housing units constructed in compliance with this chapter, the following resale conditions shall apply:~~

~~A.— **Limits on Resale Price.** The price received by the seller of an affordable unit shall be limited to the purchase price plus an increase based upon any capital improvements and an increase based on the San Joaquin County consumer price index, an amount consistent with the increase in the median income since the date of purchase, or the fair market value, whichever is less. Before offering an affordable housing unit for sale, the seller shall provide written notice to the City of their intent to sell. The notice shall be provided by certified mail to the Director.~~

~~B.— **Units to be Offered to the City.** Home ownership affordable units constructed, offered for sale, or sold under the requirements of this section shall be offered to the City or its assignee for a period of at least 90 days from the date the notice of intent to sell is delivered to the City by the first purchaser or subsequent purchasers. Home ownership affordable units shall be sold and resold from the date of the original sale only to households as determined to be eligible for affordable units by the City in compliance with this section. The seller shall not levy or charge any additional fees nor shall any “finders fee” or other monetary consideration be allowed other than customary real estate commissions and closing costs.~~

~~C.— **Declaration of Restrictions.** The owners of any affordable unit shall attach and legally reference in the grant deed conveying title of the affordable ownership unit a declaration of restrictions provided by the City, stating the restrictions imposed in compliance with this section. The grant deed shall afford the grantor and the City the right to enforce the declaration of restrictions. The declaration of restrictions shall include all applicable resale controls, occupancy restrictions, and prohibitions required by this section.~~

~~D.— **City to Monitor Resale of Units.** The City shall monitor the resale of ownership affordable units. The City or its designee shall have a 90-day option to commence purchase of ownership affordable units after the owner gives notification of intent to sell. Any abuse in the resale provisions shall be referred to the City for appropriate action. (Ord. 015-09 C.S., eff. 12-3-09)~~

SECTION XV: AMENDMENT OF CODE

Title 16, Chapter 16.40, Section 16.40.100 of the Stockton Municipal Code (SMC) is ~~amended~~ to read, as follows:

~~16.40.080~~ **16.40.080** ~~Judicial relief, City exemption-waiver of standards.~~

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. ~~**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 precluding the construction of a development meeting the criteria of Section 16.40.020(A) (Residents), at the densities or with the incentives allowed by this chapter.~~

~~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. — **City Exemption.** Except upon a written finding, based upon substantial evidence Notwithstanding the provisions of subsections A (Judicial relief) and B (Waiver of standards preventing the use of bonuses and incentives), 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. 015-09 C.S., eff. 12-3-09)~~

SECTION XVI: AMENDMENT OF CODE

Title 16, Chapter 16.48, Section 16.48.040 of the Stockton Municipal Code (SMC) is amended to read, as follows:

16.48.040 General height limitations.

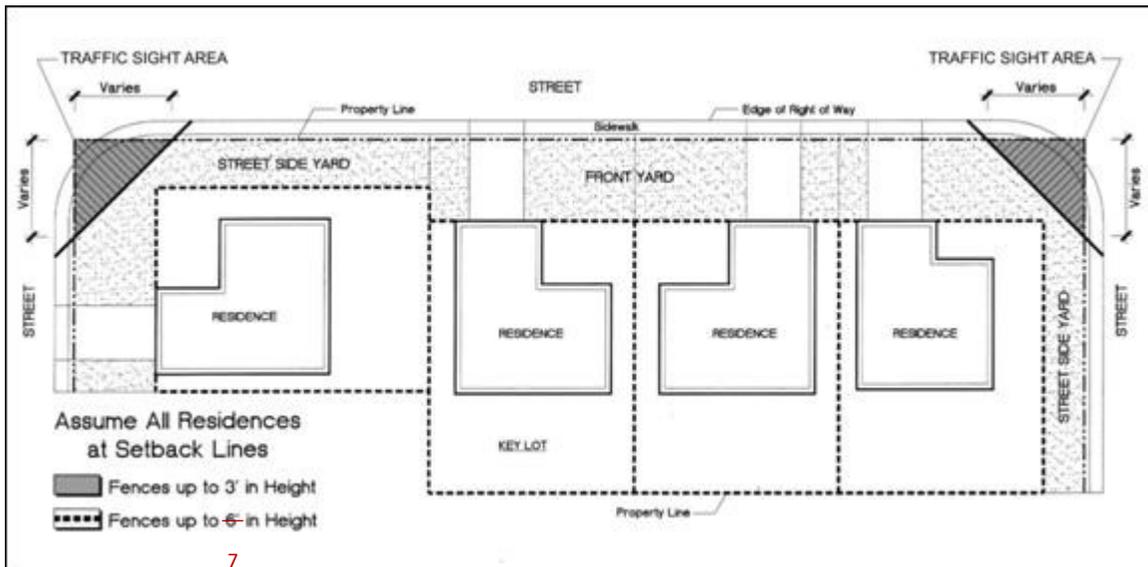
Fences, hedges, and walls may be erected/maintained to the following heights, except for specified mitigation measures:

A. **Residential.** The heights shown in Table 3-4 (Maximum Height of Fences, Hedges, and Walls in Residential Zoning Districts) are allowed within residential zoning districts, except in compliance with Sections 16.48.060 (Exceptions to height limitations) and 16.48.090 (Special wall and fencing requirements).

**TABLE 3-4
MAXIMUM HEIGHT OF FENCES, HEDGES, AND WALLS
IN RESIDENTIAL ZONING DISTRICTS***

Location	Maximum Height
Front and street side yards to <u>inside</u> the setback line	3 ft.
Front and street side yards <u>within</u> outside the <u>building envelope</u> setback line	<u>6</u> 7 ft.
Rear and interior side yards	<u>6</u> 7 ft.
Rear and side yards adjacent to levees and nonresidential land uses	8 ft.
Rear and side yards adjacent to parks	Minimum of 8 ft.
At intersections of streets, alleys and driveways within traffic sight areas (Section 16.36.140)	30 inches

* ~~———— A building permit is required for solid fences over six (6) feet in height with an exception for fences up to seven (7) feet; provided open grillwork or similar open material that allows at least 33 percent view penetration is used above six (6) feet.~~



* See Table 3-4 in section 16.36.140 for Traffic Sight Areas.

FIGURE 3-11 ALLOWED FENCE HEIGHT IN RESIDENTIAL ZONING DISTRICTS

SECTION XVII: AMENDMENT OF CODE

Title 16, Chapter 16.48, Section 16.48.060 of the Stockton Municipal Code (SMC) is amended to read, as follows:

16.48.060 Exceptions to height limitations.

A. **Three (3) Foot Fences.** Fences and walls otherwise limited to three (3) feet ~~i~~n height may be allowed up to four (4) feet in height provided the fence:

1. Is constructed of open grillwork or similar open material, whether wood, wrought iron, or other allowed material, that allows at least 33 percent view penetration through the fence; and
2. Is not located in the traffic sight areas in compliance with Section 16.36.140 (Traffic sight area).

~~B. **Six (6) Foot Fences.** Fences and walls otherwise limited to six (6) feet in height, may be allowed up to seven (7) feet in height provided open grillwork or similar open material (e.g., lattice) that allows at least 33 percent view penetration is used above six (6) feet.~~

~~B.~~ **Wrought Iron Fences.** Wrought iron fences that have at least 33 percent view penetration through the fence may be allowed in the setback area and building envelope up to ~~six (6)~~ seven (7) feet in height in the Magnolia historic overlay district and midtown district, as defined in Division 8, provided the fence is not located within the traffic sight areas in compliance with Section 16.36.140 (Traffic sight area).

~~D.C.~~ **Public Areas.** Fences which enclose school grounds, public playgrounds, tennis courts, public swimming pools, or other public areas which are used for athletic purposes may be erected to a height in excess of ~~six (6)~~ seven (7) feet, with the approval of the Director. ~~(Ord. 023-07 C.S. § 32; prior code § 16-325.040)~~

SECTION XVIII: AMENDMENT OF CODE

Title 16, Chapter 16.60, Section 16.60.010 of the Stockton Municipal Code (SMC) is amended to read, as follows:

16.60.010 Purpose.

The purpose of this chapter is to:

- A. Establish standards to protect the health, safety, and welfare of those living and working in the City;
- B. Implement goals and policies of the General Plan Noise Element;
- C. Facilitate compliance with the State Noise Insulation Standards (California Code of Regulations, Title 24) and ~~Chapter 35 of the~~ California Building Standards Code ~~Uniform Building Code (UBC)~~;
- D. Provide community noise control regulations and standards which are consistent with, or exceed, the guidelines of the State Office of Noise Control and the standards adopted by the Federal Highway Administration (FHWA), California Department of Transportation (CalTrans), or other government or regulatory agencies; and
- E. Consolidate and/or reference all applicable City noise regulations. ~~(Prior code § 16-340.010)~~

SECTION XIX: AMENDMENT OF CODE

Title 16, Chapter 16.64, Section 16.64.030 of the Stockton Municipal Code (SMC) is amended to read, as follows:

16.64.030 General parking regulations.

A. **Parking and Loading Spaces to be Permanent.** Required parking and loading spaces shall be permanently available; off-site parking shall require a permanent covenant in compliance with Section 16.64.080(B)(4) (Location). The spaces shall be marked (except for single-family dwellings, duplexes, and triplexes) and maintained for parking or loading purposes for the use they are intended to serve. The Director may approve the temporary reduction of parking or loading spaces in conjunction with a seasonal or intermittent use for a period of not more than 30 days. Longer periods may be allowed with the approval of a temporary activity permit (Chapter 16.164).

B. **Parking and Loading to be Unrestricted.** During business hours, parking and loading facilities required by this chapter shall be available to the general public without charge, except for colleges and universities. Required parking for residential uses shall be continuously available without charge to the residents and their guests. A fee for parking may only be charged for spaces that exceed the requirements of this chapter.

C. **Maintenance.** Parking spaces, driveways, maneuvering aisles, turnaround areas, and landscaping areas shall be kept free of dust, graffiti, and litter and shall be maintained to prevent the tracking of dirt, mud and/or gravel into the right-of-way. Striping, paving, walls, light standards, and all other facilities shall be permanently maintained and meet the requirements of Section 8.36.010 of the Municipal Code.

D. **Surfacing.** Parking spaces, driveways, maneuvering aisles and turnaround areas shall be paved with a permanent surface, consisting of concrete, asphalt or other similar material authorized by the City's Standard Specifications. Compacted soil and/or gravel shall not be considered an acceptable surface.

E. **Vehicles for Sale.** Vehicles, trailers, or other personal property shall not be parked upon a private street, parking lot, or private property for the primary purpose of displaying the vehicle, trailer, or other personal property for sale, hire, or rental, unless the property is appropriately zoned, and the vendor is licensed to transact a vehicle sales business at that location. Vehicles shall not be parked on public streets for the purpose of sale, hire, or rental, except for buses and taxis in compliance with Title 10 of the Municipal Code.

F. **Fire Lanes.** Parking is prohibited in marked fire lanes designated by the Fire Marshal in compliance with Section 10.04.1090 of the Municipal Code.

G. **Official Parking Areas.** The City Manager may designate official parking areas that are not available for public use in compliance with Section 10.04.1050 of the Municipal Code.

H. **Commercial Parking Lots.** Tractor-trailers, either with or without a trailer, shall be prohibited from parking overnight on residentially used property, and shall not be parked on commercially used property for more than 72 hours.

I. **Electric vehicle charging stations .** ~~A~~ are permitted in all required and non-required off-street parking spaces. ~~As an incentive for the provision of electric vehicle charging stations, a reduction in required parking is permitted up to two required parking spaces for each electric vehicle charging space provided, up to a maximum reduction of 10 percent of the total required parking.~~ ~~A~~

parking space served by electric vehicle supply equipment or a parking space designated as a future electric vehicle charging space shall count as at least two standard automobile parking spaces for the purpose of complying with Chapter 16.64., up to a maximum reduction of 10 percent of the total required parking. An accessible parking space with an access aisle served by electric vehicle supply equipment or an accessible parking space with an aisle designated as a future electric vehicle charging space shall count as at least two standard automobile parking spaces for the purpose of complying with Chapter 16.64.

~~(Ord. 2016-09-27-1601 § II; Ord. 011-11 C.S. § 1, eff. 10-27-11; Ord. 015-09 C.S., eff. 12-3-09; Ord. 001-08 C.S. §§ 7, 9; Ord. 023-07 C.S. § 43; prior code § 6-345.030)~~

SECTION XX: AMENDMENT OF CODE

Title 16, 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-family residence is permitted in accordance with Section 16.80.310 (Accessory Dwelling Units). ~~shall be prohibited unless an equivalent space is provided in compliance with the requirements of Table 3-9 (Parking Requirements by Land Use).~~
2. A single-family 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).

**TABLE 3-8
PARKING REQUIREMENTS FOR FREEWAY-ORIENTED USES**

Type of Requirement	Truck Stops	Other
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.** Land uses not specifically listed by subsection H of this section (Parking requirements by land use), below, shall provide parking as required by the Director. The Director shall use the requirements of subsection H of this section (Parking requirements by land use), below, as a guide in determining the minimum number of off-street parking spaces to be provided.

E. **Rounding of Quantities.** When calculating the number of parking spaces required, space requirements ~~equal to or~~ 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**

Uses	Number of Spaces Required
AGRICULTURAL AND RESOURCE-RELATED USES	

Uses	Number of Spaces Required	
Agricultural activities and facilities	None	
	Gross Floor Area Space(s)/sq. ft.	Other/Additional Spaces
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

	Gross Floor Area Space(s)/sq. ft.	Other/Additional Spaces
All uses listed under “Business and Professional Uses” on Table 2-2	1st 50,000 sq. ft.— 1/200	_____
	Portion over 50,000 sq. ft.—1/500	

INDUSTRY, MANUFACTURING & PROCESSING USES

	Gross Floor Area Space(s)/sq. ft.	Other/Additional Spaces
All uses listed under “Industry, Manufacturing & Processing 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 spaces plus 1/2,000 for area over 100,000 sq. ft.	
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)	1/250” 1/250” RDC 1/250” RDM 1/2,000*	*1/2,000 for storage, employee break rooms, equipment rooms, offices, circulation corridors, cultivation and manufacturing areas

Uses	Number of Spaces Required	
RCM DCM		
Cannabis testing laboratory	1/1,000	Offices over 5,000 sq. ft. – 1/250
Laundries and dry cleaning plants	1/1,000	Offices/sales over 5,000 sq. ft.—1/250 sq. ft.
	Gross Floor Area Space(s)/sq. ft.	Other/Additional Spaces
Research and development (R&D)	1/500	Offices/sales over 5,000 sq. ft.—1/250 sq. ft.
Storage 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

	Gross Floor Area Space(s)/sq. ft.	Fixed Seats (24" = 1 seat)	Other/Additional Spaces
All uses listed under “Recreation, Education, and Public Assembly Uses” on Table 2-2, except for the following	1/50	OR 1/4	_____
Auditoriums, meeting halls, and theaters			
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		_____

Uses	Number of Spaces Required		
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	_____	
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	Number of Spaces Required	
	Space(s)/Unit or other criteria	Guest Parking
Caretaker and employee housing	1 covered/unit	_____
Duplexes	2 covered/unit	_____
Dwelling group	2 covered/unit	_____
Mobilehome parks	1/mobilehome	1/4 units
Multifamily dwellings	1½/unit	1/4 units
Downtown	1/unit	_____
<u>Affordable housing</u>	<u>½/unit</u>	<u>1/8 units</u>
Organizational houses	1/bed	1/6 beds
Residential care facilities		
All, except care homes (6 or less)	1/5 beds	1/10 beds
Care homes, 6 or more	2/house in enclosed garage	1/10 beds
Rooming and boarding houses	1 per 2 beds	_____
Senior residential projects	1 ½-covered/2 units	1/10 units
Single-family dwellings	2/house in enclosed garage	_____
Townhouses	2 covered/unit	_____
Triplexes	2/unit (at least 1 covered)	_____

RETAIL TRADE

	Gross Floor Area Space(s)/sq. ft.	Other/Additional Spaces
All uses listed under “Retail Trade” on Table 2-2, except for the following:	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	

Uses	Number of Spaces Required	
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	_____

SERVICES

	Gross Floor Area Space(s)/sq. ft.	Other/Additional Spaces
All uses listed under “Service” on Table 2-2, except for the following	1st 50,000 sq. ft.— 1/200	_____
	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		

Uses	Number of Spaces Required	
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
Mortuaries	1/50	OR 1/4 fixed seats
Health/fitness facilities	1/250	Ancillary activities as otherwise designated
Lodging facilities		
Bed and breakfast	_____	1/room + 1 for manager
Extended-stay facilities	_____	1/guest room + 4 + ancillary
Single room occupancy facilities Co-Living (Lodging Facility)	_____	1/2-space/guest room
Hotels and motels	_____	1/guest room + 4 + ancillary
Medical services		

Uses	Number of Spaces Required	
Extended care	_____	1/2-space/bed
Hospitals	_____	2/bed
Personal services		
Restricted	1/250	_____
Unrestricted	1/250	_____
Repair services	1/250	_____
Social services facilities	_____	Per use permit
Transitional housing		1/2 beds
Storage facilities		
Personal storage facilities (mini-storage)	_____	4 spaces

TRANSPORTATION AND COMMUNICATION USES

	Indoor Gross Floor Area Space(s)/sq. ft.	Other/Additional Spaces
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

OTHER USES

	Gross Floor Area Space(s)/sq. ft.	Other/Additional Spaces
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	_____	_____

(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 XXI: AMENDMENT OF CODE

Title 16, Chapter 16.64, Section 16.64.050 of the Stockton Municipal Code (SMC) is amended to read, as follows:

16.64.050 Adjustments to off-street parking requirements.

A. **Joint Use of Parking Facilities.** Where two (2) or more adjacent nonresidential uses have distinct and differing peak parking usage periods, (e.g. a theater and a bank), a joint use of parking spaces that results in a reduction in the total number of required parking spaces may be approved by the Director, provided:

1. The most remote space is located within 500 feet of the use it is intended to serve or as approved by Director;
2. The amount of reduction may be no greater than the number of spaces required for the least intensive of the uses sharing the parking;
3. The applicant is responsible for providing sufficient data, including a parking study if required by the Director, to indicate that there is no conflict in the peak parking demand for the uses proposing to make joint use of the parking facilities; and
4. The property owners involved in the joint use of parking facilities shall record an agreement between the parties that is approved by the Director and whose form is approved by the City Attorney. This agreement shall be recorded with the County Recorder, and a copy shall be filed with the Director.

B. **Reduction or Waiver of Parking Requirements.** The Director or Commission may approve reductions or waivers to the number of required parking spaces for a particular use as provided below:

1. **Existing Structures.**

- a. **Director Approval.** The Director may reduce or waive up to 20 percent of the parking requirements, or a minimum of one (1) space, under the following conditions:
 - i. **Change in Use.** Parking requirements, increased by virtue of a change in use, may be waived or reduced by the Director when all of the following conditions are present:
 - (A) The structure was designed and intended for nonresidential use;
 - (B) The owner or developer substantiates that the provision of additional parking is unreasonable and economically unsound and the compliance with the provisions of this chapter would entail severe hardship; and
 - (C) The structure or structures were originally built before the effective date of the current parking requirements.
 - ii. **Expansion of Structure Area.** Parking requirements, increased by virtue of an expansion of structure area may be waived or reduced by the Director when all of the following conditions are present:
 - (A) No substantial change in use is involved;

- (B) In the case of nonresidential land uses, the increase in floor area does not exceed 25 percent of the existing gross floor area;
- (C) In the case of the expansion of an existing single-family residential structure, the increase in floor area does not exceed 50 percent of the existing gross floor area;
- (D) The owner or developer substantiates that the provision of additional parking is unreasonable and economically unsound and that compliance with the provisions of this chapter would entail severe hardship; and
- (E) The structure or structures were originally built before the effective date of the current parking requirements.

b. **Commission Approval.** The Commission may reduce or waive parking requirements in circumstances not delegated to the Director for approval in compliance with the following:

- i. **Hearing Required.** A hearing shall be noticed and held in compliance with Chapter 16.88 (Review Procedures).
- ii. **Appeals.** The applicant or other person dissatisfied with the decision of the Commission may appeal to the Council in compliance with Chapter 16.100 (Appeals).

2. **New Construction.** Any reduction to the parking required by this chapter shall require the approval of a variance in compliance with Chapter 16.172 (Variances).

C. **Ministerial Parking Reductions.** Ministerial (“By-Right”) parking reductions for all development requests (i.e. building permits, ministerial, and discretionary) and may be approved by the Director or designee according to the following options for reductions to the minimum parking requirement per section 16.64.040 (Number of parking spaces required). These options can be used in various combinations; however, the total parking reductions shall not exceed 20-percent of required parking.

1. **Reduction for Secure Bicycle Parking.** Developments which provide additional secure bicycle parking facilities over and above the minimum requirement may reduce their parking requirement by one vehicle space for every five additional bicycle spaces provided. Maximum reduction: 5-percent of required parking.
2. **Preferred Carpool/Vanpool Parking Spaces.** Developments which guarantee preferred parking spaces (e.g., covered, shaded, or near building entrance) to employees or residents who participate regularly in a carpool or vanpool may reduce their parking requirement by one vehicle space for every one space which is marked and reserved for carpools/vanpools at a preferred location. Maximum reduction: 5-percent of required parking.
3. **Electric vehicle charging stations.** For development that provides electric vehicle charging stations beyond the minimum requirements of the California Building Standards Code, a reduction in required parking is permitted. The electric vehicle charging space shall comply with all standards for parking areas pursuant to this chapter. Maximum reduction: two required parking spaces for each electric vehicle charging space provided.

4. Reduction for Parking Near Major Transit Stops (e.g., train stations or significant bus facilities). Parking requirements may be reduced for development within one-quarter mile of a major transit stop. Maximum reduction: 10-percent of required parking.
5. Small Lot-Infill Projects. For infill lots of 6,400 square feet or less. Maximum reduction: 10-percent of required parking.
4. Scooter and motorcycle parking. Five scooter or motorcycle spaces may be substituted for one on-site vehicle parking space. Maximum reduction: two spaces or 5-percent of the required parking spaces, whichever is greater.
6. _____
7. Other. Additional reductions may be approved in accordance with Chapter 16.176 (Waiver).

ED. **Magnolia Historic District.** Parking requirements for the Magnolia historic district shall be in compliance with Section 16.28.060 (Magnolia historic district overlay district).

DE. **Downtown Parking.** Parking requirements for the Central parking district and Parking Improvement District No. 2001-1 shall be in compliance with Section 16.64.060 (Parking assessment districts).

F. **Transit-oriented development.** There is no minimum off-street parking requirement for uses within one-quarter mile from the Altamont Commuter Express (ACE) Robert J. Cabral Train Station or a proposed California High-Speed Rail station.

HGE. **Variance.** Other than changes to parking requirements provided for in this section, a variance in compliance with Chapter 16.172 (Variances) shall be required for any change to a parking requirement.

HF. **Nonconforming Uses and Structures.** Parking requirements may be modified for nonconforming uses and structures in compliance with the following provisions:-

1. **Parking Standards.** If the use of a structure that is nonconforming because it does not meet parking standards is changed, regardless of how long the structure may have been vacant, the structure may be occupied by any use allowed in the zoning district in which it is located, provided that it meets the requirements, provisions, and standards, other than parking, identified for the use, and the proposed use has:

- a. The same or lesser parking requirements as the current or previous use;
- b. A greater parking requirement than the current or previous use and complies with one of the following:
 - i. Additional parking shall be provided in compliance with the following formula:

$$S = E + (Rp - Re)$$

Where:

S = Number of off-street parking spaces required to be provided

E = Number of existing parking spaces

Rp = Number of parking spaces required for the proposed use

Re = Number of parking spaces required for the current/previous use

- ii. If existing physical constraints on the site limit the amount of parking that can be provided, additional parking shall be at the discretion of the Director.

~~(Ord. 023-07 C.S. § 46; prior code § 16-345.050)~~

SECTION XXII: AMENDMENT OF CODE

Title 16, Chapter 16.64, Section 16.64.080 of the Stockton Municipal Code (SMC) is amended to read, as follows:

16.64.080 Development standards for off-street parking.

Off-street parking areas shall be developed in the following manner:

- A. **Access.** Off-street parking spaces shall be accessible by drives and aisles as follows:
 - 1. **Parking Areas.** Access to off-street parking areas shall be provided in the following manner:
 - a. **Nonresidential and Multifamily.** Parking areas for nonresidential and multifamily uses:
 - i. Shall provide suitable maneuvering room so that vehicles enter an abutting street or alley in a forward direction.
 - ii. The Director may approve exceptions for parking areas immediately adjoining a public alley, provided suitable maneuvering room is provided to enter an abutting street in a forward direction.
 - iii. Off-street parking lots shall conform to City standards and specifications for parking facilities (Section 16.64.080, Development standards for off-street parking).
 - iv. Parking garages adjacent to residential zoning districts shall be set back a minimum of 15 feet and landscaped.
 - b. **Other Residential.** The required parking spaces for single-family homes, duplexes, and triplexes shall not be located within 20 feet of a right-of-way, measured from the property line, except attached side entry garages which may be 15 feet from the right-of-way in compliance with Section 16.36.110(D)(1)(a)(3) (Allowed projections into setbacks) provided there is at least a 20-foot driveway from the sidewalk.
 - 2. **Access to Adjacent Sites.** Applicants for nonresidential developments are encouraged to provide shared vehicle and pedestrian access to adjacent nonresidential properties for convenience, safety, and efficient circulation. A joint access agreement guaranteeing the continued availability of the shared access between the properties and running with the land shall be recorded by the owners of the abutting properties, as approved by the Director.
 - 3. **Traffic Sight Area.** In all cases, a minimum unobstructed clearance adjacent to a street intersection shall be maintained in compliance with Section 16.36.140 (Traffic sight area).
- B. **Location.** Required off-street parking areas shall be located as follows:

1. For single-family homes, duplexes, and triplexes, parking shall be located on the same parcel as the residence.
 2. For townhouses and multifamily uses, parking shall be located within 200 feet of the units they are intended to serve.
 3. For uses permitted in residential zones other than the above, parking shall be located on the same or abutting parcel as the use to be served.
 4. For nonresidential uses, permanent parking shall be located on the same parcel as the uses served, except that parking may be located on a parcel adjacent to, or within 500 feet of, the use served subject to a permanent covenant recorded with the County Recorder guaranteeing that the required parking would be maintained exclusively for the use or activity served. The agreement shall be approved by the Director and as to form by the City Attorney and a copy shall be filed with the Department.
 5. Car pool and bicycle spaces (Section 16.64.100, Bicycle parking requirements and development standards) shall be located as close as is practical to the entrance(s) to the use they are intended to serve. Spaces shall be situated so that they do not obstruct the flow of pedestrians at entrances or sidewalks.
- C. **Parking Space and Aisle Dimensions.** The development of parking lots and parking spaces shall comply with the City's standard specifications and plans and the following:
1. **Parking Spaces.**
 - a. **Standard Spaces.** Parking spaces shall be:
 - i. **Striped.** Stripped in parking lots; and
 - ii. **Dimensioned.** Dimensioned a minimum of nine (9) feet wide by 19 feet long.
 - b. **Compact Spaces.** Up to ~~2530~~-percent of the required parking spaces may be developed to compact space size standards: minimum of nine (9) feet wide by 15 feet long and dispersed throughout the parking lot.
 2. **Aisle Dimensions.** The width of aisles in parking lots shall depend on the configuration of the parking lot in compliance with the City's standard specifications and plans.
- D. **Drainage.** Parking lots shall be designed in compliance with the stormwater quality and quantity standards of the City's best management practices and the City's standard specifications and plans.
- E. **Directional Arrows and Signs.**
1. Parking spaces, driveways, circulation aisles, and maneuvering areas shall be clearly marked with directional arrows and lines to ensure the safe and efficient flow of vehicles. Any directional signs shall meet the requirements of Section 16.76.100(B) (Directional signs).
 2. The Director may require the installation of the traffic signs in addition to directional arrows to ensure the safe and efficient flow of vehicles in a parking facility.
- F. **Landscaping.** Landscaping for surface parking lots shall be provided as follows:
1. **Landscape Plan Required.** A comprehensive landscape plan shall be submitted to the Director for approval.

2. **Landscape Materials.** Landscaping materials shall be provided throughout the parking lot area using a combination of trees, shrubs, and vegetative groundcover. Water conserving landscape plant materials shall be emphasized.
3. **Curbing.** Areas containing plant materials shall be bordered by a concrete curb at least six (6) inches high and six (6) inches wide. Alternative barrier designs may be approved by the Director.
4. **Irrigation.** An automatic irrigation system, including features such as drip systems, bubblers, and soakers, shall be provided for all landscaped areas, including tree wells, planters, and planting islands.
5. **Bumper Overhang Areas.** A maximum of two (2) feet of the parking stall depth may be landscaped with low-growth, hearty materials in lieu of paving or the walkway may be increased, allowing a two (2) foot bumper overhang while maintaining the required parking dimensions. Bumper overhang areas shall not encroach into required walkways, required landscape areas, or rights-of-way.
6. **Perimeter Parking Lot Landscaping.**
 - a. **Adjacent to Streets.** Parking areas adjoining a public street shall be designed to provide a landscaped planting strip between the street right-of-way and parking area.
 - i. Parking areas adjoining a public street shall be designed to provide a minimum five (5) foot-wide landscaped planting strip between the street right-of-way and parking area. The Director may grant an exception to this requirement if existing structures or substandard lots preclude its implementation. In this case, the maximum planting strip area shall be provided based on site conditions.
 - ii. The landscaping, other than trees, shall be designed and maintained to screen cars from view from the street and shall be approximately 36 inches in height;
 - iii. Screening materials may include a combination of plant materials, earth berms, raised planters, or other screening devices that meet the intent of this requirement and have been approved by the Director; and
 - iv. Plant materials, walls, or structures within a traffic sight area of a driveway shall not exceed 30 inches in height in compliance with Section 16.36.140 (Traffic sight area).
 - b. **Adjacent to Residential Use.**
 - i. Parking areas for nonresidential uses adjoining residential uses shall provide a landscaped buffer yard with a minimum 10-foot width between the parking area and the common property line bordering the residential use. A solid masonry wall in compliance with Section 16.48.060 (Walls required between different zoning districts) and landscaping shall be provided along the property line. Trees shall be provided at a rate of one (1) for each 30 feet of landscaped area and shall be a minimum 15 gallon container stock with a caliper size, at time of planting, which is appropriate for a normal, healthy example of the specified tree variety and no less than three-fourths inch in diameter.

ii. Parking areas for shopping centers shall be provided in compliance with the standards for shopping centers in Section 16.80.330 (Shopping centers and large-scale commercial retail uses).

7. **Interior Parking Lot Landscaping.**

a. **Trees Required.**

i. **Number and Location.** Trees shall be evenly spaced throughout the interior parking area at a rate of one (1) tree for every five (5) parking spaces. The required number of trees shall not include required street trees.

ii. **Size.** All trees within the parking area shall be a minimum 15-gallon container stock with a caliper size, at time of planting, which is appropriate for a normal, healthy example of the specified tree variety and no less than three-fourths inch in diameter.

b. **Planting Areas.** Trees shall be located in planting areas that are designed and constructed throughout the parking area. In order to be considered within the parking area, trees shall be located in planters that are bounded on at least three (3) sides by parking area paving. Planters shall have a minimum interior dimension of six (6) feet. All ends of parking lanes shall have landscaped islands.

c. **Larger Projects.** Parking lots with more than 100 spaces shall provide an appropriate entry feature consisting of a concentration of landscape elements at primary entrances, including specimen trees, flowering plants, enhanced paving, and project identification.

8. **Parking Structures.** These landscaping standards shall not apply to parking garages or other parking structures.

9. **Compliance with State Model Water Efficient Landscape Ordinance.** For any new building permit, new landscaping installed shall be done so in compliance with the current version of the Water Efficient Landscape Ordinance, as adopted by the City Council at the time of building permit issuance.

G. **Lighting.** Parking areas shall have lighting capable of providing adequate illumination for security and safety. Lighting standards shall be energy-efficient and in scale with the height and use of the on-premises structure(s). All illumination, including security lighting, shall be directed downward, away from adjacent properties and public rights-of-way in compliance with Section 16.32.070 (Light and glare).

H. **Striping and Identification.**

1. **Vehicular.** Parking spaces shall be clearly outlined with four (4) inch wide lines painted on the surface of the parking facility. Compact and car pool spaces shall be clearly identified for compact vehicle and car pool usage respectively.

2. **Disabled.** Parking spaces for the disabled shall be striped and marked so as to be clearly identified in compliance with the applicable State standards.

I. **Surfacing.**

1. Parking spaces and maneuvering areas shall be paved and permanently maintained with asphalt, concrete, or interlocking paving stones in compliance with current City standards. Surfacing of temporary lots shall be approved by the City Engineer.

2. Paving thickness shall be in compliance with the City’s standard specifications and plans.

3. Optional materials shall be approved by the City Engineer.

J. **Wheel Stops/Curbing.** Continuous concrete curbing at least six (6) inches high and five and one-half (5.5) inches wide shall be provided for parking spaces located adjacent to fences, walls, property lines, landscaped areas, and structures. Individual wheel stops may be provided in lieu of continuous curbing when the parking is adjacent to a landscaped area, and the drainage is directed to the landscaped area subject to the approval of the Director. Wheel stops shall be placed to allow for two (2) feet of vehicle overhang area within the dimension of the parking space. (~~Ord. 011-11 C.S. § 1, eff. 10-27-11; Ord. 015-09 C.S., eff. 12-3-09; Ord. 001-08 C.S. § 10; Ord. 023-07 C.S. §§ 47, 48; prior code § 16-345.080~~)

SECTION XXIII: AMENDMENT OF CODE

Title 16, Chapter 16.64, Section 16.64.090 of the Stockton Municipal Code (SMC) is amended to read, as follows:

16.64.090 Parking in residential zoning districts.

A. Front and Street Side Setback Areas.

1. Front and side yard setback areas shall only be used for the temporary parking of motor vehicles. Storage of vehicles in this area shall not be allowed.
2. No vehicles shall be parked in the front and/or street side setback areas other than on a paved driveway. Paved driveways shall be limited to no more than 50--percent of the front and/or street side setback area in compliance with Section 16.56.030(A)(4) (General design standards). No parking shall be allowed in the landscaped areas.

B. Parking Lots.

1. **Nonresidential Parking Facilities.** Where parking lots are allowed in residential zoning districts in compliance with Chapter 16.20 (Allowable Land Uses and Permit Requirements), they shall be developed in compliance with the following requirements in addition to other applicable standards provided in this chapter.

- a. **Location of Parking Area.** The parking area shall be accessory to, and for use of, one or more contiguous nonresidential uses allowed in residential zoning districts, or one or more uses allowed in a contiguous commercial or industrial zone. The Commission may grant a waiver for noncontiguous parking areas, but only under the following conditions:
 - i. The parking area would be designed to be compatible with the neighborhood;
 - ii. The parking area or areas would not fragment the surrounding neighborhood;
 - iii. The parking area would not be a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood;
 - iv. The parking area would not be detrimental and/or injurious to property and improvements in the neighborhood;

- v. The parking area would utilize a piece of residentially zoned land with certain constraints (e.g. next to freeway); and
 - vi. The parking area would be located within a reasonable walking distance of the use to which it is an accessory in compliance with Section 16.64.080(B) (Location).
- b. **Access.** Access to parking areas shall be from commercial streets and in compliance with the requirements of Section 16.64.080(A) (Development standards for off-street parking—Access). An exception may be granted by the Commission if no commercial streets are available for access.
- c. **Passenger Vehicle Parking Only.** Parking areas shall be used solely for the parking of passenger vehicles.
- d. **Signs.** No signs, other than signs designating entrance, exits, and conditions of use, or required legal signs, shall be maintained in parking areas. Signs shall not exceed four (4) square feet in area and five (5) feet in height in compliance with Section 16.76.100(B) (Directional signs). The number and location shall be approved by the Director before installation.
- e. **Perimeter Wall.** The parking facility shall have a solid masonry wall eight (8) feet in height along all interior property lines adjacent to residential zoning districts and shall provide a screen 36 inches in height in a combination of plant materials, landscaped earth berms, raised planters, walls, and/or other screening devices if adjacent to streets, except for reciprocal parking agreements or arrangements approved by the Commission. A lesser height may be allowed by the Commission if specific conditions warrant.
- f. **Development Standards.** The parking lot shall be developed in compliance with Section 16.64.080 (Development standards for off-street parking).
- g. **Overnight Parking.** Overnight parking shall be prohibited unless the parking lot is completely enclosed by an approved barrier that is locked and limited to passenger vehicles and recreational vehicles that are parked for no more than 72 hours.
- h. **Nonconforming Uses.** Legal nonconforming uses shall be subject to the requirements of Chapter 16.228 (Nonconforming Uses, Structures, and Parcels).
2. **Residential Parking Facilities.** Parking facilities for residential land uses shall be developed in compliance with the following requirements in addition to other applicable standards provided in this chapter.
- a. **Location of Parking Facility.** The parking facility should be provided on the same parcel as the primary residential use and accessory to the primary residential use. As an alternative, parking facilities may be provided on parcels separate from the primary residential use which shall have a landscape strip that is a minimum of 15 feet from the property line of any residential structure and shall be in compliance with Section 16.64.090(A) (Front and street side setback areas).
 - b. **Passenger Vehicle Parking Only.** Parking facilities shall be used solely for the parking of passenger vehicles.

c. **Development Standards.** Parking facilities shall be developed in compliance with Section 16.80.220 (Multifamily development—Parking) and Section 16.64.080 (Development standards for off-street parking).

d. **Fencing.** The parking facility shall have a solid wall six (6) feet in height along all interior property lines and shall provide a screen 36 inches in height in a combination of plant materials, earth berms, raised planters, and/or other screening devices if adjacent to the street, except as provided by the use permit.

C. **Commercial, Company, and Nonprofit Organization Vehicle Parking.** Commercial, company, and nonprofit organization vehicles having a gross load capacity greater than one (1) ton or those vehicles having gross load capacity of one (1) ton or more or those vehicles clearly commercial in nature (e.g., tow trucks, ambulances, mini-buses, vehicles with commercial, company, or nonprofit organization signs) or similar vehicles shall not be allowed to park:

1. **Private Property.** On private property in residential zones except for immediate loading or unloading of goods or people or if not visible from the street; and
2. **Public Right-of-Way.** Overnight in a public right-of-way, as enforced by the Police Department.

D. **Recreational Vehicles and Boats.** Recreational vehicles (RVs) and boats shall:

1. Not park in the front or street side yards;
2. Be partially screened by a fence that is a minimum of six (6) feet in height; and
3. Be parked on improved surface.

E. **Inoperable Vehicles.** Inoperable, abandoned, wrecked or dismantled vehicles, or vehicle parts shall not be stored on public or private property in compliance with Chapter 8.12 of the Municipal Code. (~~Ord. 015-09 C.S., eff. 12-3-09; Ord. 001-08 C.S. § 11; Ord. 023-07 C.S. §§ 49, 50; prior code § 16-345.090~~)

SECTION XXIV: AMENDMENT OF CODE

Title 16, Chapter 16.64, Section 16.64.100 of the Stockton Municipal Code (SMC) is amended to read, as follows:

16.64.100 Bicycle parking requirements and development standards.

~~Bicycle parking facilities in parking lots shall be provided for nonresidential uses in the following manner. These standards shall not apply to parking districts.~~

~~A.— Number of Spaces Required.~~

- ~~1.— Employee Parking. A minimum of one (1) employee bicycle parking space for each 25,000 square feet of gross floor area.~~
- ~~2.— Visitor Parking. A minimum of one (1) visitor/short term parking space for each 50,000 square feet of gross floor area shall be provided.~~
- ~~3.— Customer Parking. For commercial uses, a minimum of one (1) bicycle parking space shall be provided for each 100 vehicle parking spaces.~~

B. Bicycle Parking Development Standards. Bicycle parking areas shall be designed and provided in the following manner:

1. **Parking Racks.** Each bicycle parking space shall include a stationary parking device of a design approved by the City;
2. **Parking Layout.**
 - a. **Aisles.** Access aisles to bicycle parking spaces shall be at least five (5) feet in width.
 - b. **Spaces.** Each bicycle space shall be a minimum of two (2) feet in width and six (6) feet in length and have a minimum of seven (7) feet of overhead clearance.
 - c. **Relationship to Structure Entrances.** Bicycle spaces shall be conveniently located and generally within proximity to the main entrance of a structure and shall not interfere with pedestrian access.
 - d. **Relationship to Motor Vehicle Parking.** Bicycle spaces shall be separated from motor vehicle parking spaces or aisles by a fence, wall, or curb, or by at least five (5) feet of open area, marked to prohibit motor vehicle parking.
3. **Signs.** Where bicycle parking areas are not clearly visible to approaching cyclists, signs shall be provided to indicate the locations of the facilities. (Ord. 001-08 C.S. § 12; prior code § 16-345.100)

A. Applicability. Every use, including new construction, change of use, or expansion of a use or structure that intensifies the required off-street parking required by 10-percent or more shall provide bicycle parking, except as otherwise provided for in Chapter 16.228 (Nonconforming Uses, Structures, and Parcels). A minimum of 50-percent of the bicycle parking shall be designated for long-term bicycle parking for facilities with over 100 employees or with a parking requirements that exceeds 50 parking stalls. Any bicycle parking requirement resulting in a fraction, shall be rounded up, to the nearest whole number.

B. Number of Spaces. The required minimum number of bicycle parking spaces shall be 10-percent of the total off-street parking requirement per Section 16.64.040.

C. General Requirements.

1. Bicycle parking shall be provided in a convenient, secure, highly visible, and well-lit area within 50 feet of a building entrances and exits.
2. Bicycle parking shall be at least as conveniently located as the most convenient automobile spaces, other than those spaces for persons with disabilities. Safe and convenient means of ingress and egress shall be provided that does not interfere with accessible paths of travel or accessible parking as required by this Chapter.
3. Bicycle parking facilities shall be located on or within a concrete or similar surface and designed to support bicycles in a stable position without damage to wheels, frames, or other components.
4. Facilities shall be securely anchored to the surface to prevent easy removal and shall be of sufficient strength to resist vandalism and theft.
5. Bicycle parking areas shall contain signage that clearly shows how the bicycle should be locked for optimum security and a number where to contact the owner with questions or report theft.

6. Bicycle parking wayfinding signage is required for every site containing long-term bicycle parking.
7. Vertical bicycle parking racks must allow a user to securely lock a bike tire and frame to the rack.
- 4.—Long-term bicycle parking shall be located on the same parcel as the use it serves. Long-term bicycle parking for commercial tenants shall be located on the ground floor within 50 feet of a building entrance if ground floor automobile parking is provided. If no ground floor automobile parking is provided, the bicycle parking may be located on the level immediately below or above the ground floor level within 50 feet of a public elevator or stairway.
- 2.8..
- 3.— All required long-term bicycle parking shall be covered. Covered parking can be provided inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures.
9. Long-term bicycle parking shall be in at least one of the following facilities:
- i. An enclosed bicycle locker;
 - ii. A fenced, ~~covered~~, locked -or guarded bicycle storage area with bike racks within;
 - iii. A rack or stand inside a building that is within view of an attendant or security guard or visible from employee work areas; or
 - i.—A secure, non-public parking garage.

D. **Alternative Design and Compliance.** Upon written request by the applicant, the Director may approve alternative compliance from the provisions of this article, which may include, but are not limited to, a reduction or deviation in the number, type, or location of the required bicycle parking, and may include a waiver of the requirement.

SECTION XXV: AMENDMENT OF CODE

Title 16, 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 sq. ft. 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.

**TABLE 3-11
REQUIRED LOADING SPACES**

Type of Land Use	Total Gross Floor Area	Loading Spaces Required
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 glare (Section 16.32.060);
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~~Section. The use or reuse of an existing structure shall not require any additional off-street loading spaces. ~~(Prior code § 16-345.110)~~

SECTION XXVI: AMENDMENT OF CODE

Title 16, Chapter 16.72, Section 16.72.050 of the Stockton Municipal Code (SMC) is amended to read, as follows:

16.72.050 Area of benefit.

A. Purpose and Authority.

1. The purpose of this section is to make provision for assessing and collecting fees as a condition of approval of a map, condition of development approval, or as a condition of issuing a building permit for the purpose of defraying the actual or estimated cost of constructing the public improvements pursuant to the City’s authority to make and enforce all ordinances and regulations with respect to municipal affairs under the California Constitution, Article 11, Section 5 and Stockton Municipal Charter, Article III, Section 300.

2. This chapter shall be the exclusive procedure for the establishment and operation of areas of benefit in the City.

B. **Findings Required.** No area of benefit shall be established unless the Council finds that the construction of the public facilities or improvements provided for by the area of benefit fees is required for subsequent developments, and that the fees are fairly apportioned within the area on either:

1. The basis of benefits conferred on property proposed for development; or
2. The need for such facilities created by the proposed development and development of other property within the area.

C. **General.** The Council may by resolution adopt an area of benefit for the purpose of defraying the actual or estimated costs of public improvements.

1. An area of benefit may be used for the following purposes:

- a. To reimburse a developer who installs public improvements which benefit property outside the subdivision or development.
- b. To reimburse the City or County for construction of public improvements which benefit property.
- c. To establish a fund for the future construction of a needed public improvement. Public improvements for which area of benefits may be established are:

- i. -Curb, gutter, and sidewalk;
- ii. -Street structural section;

- iii. -Tree wells and sprinkler system;
- iv. Fence;
- v. Street lighting;
- vi. Street signs;
- vii. Traffic signals;
- viii. Storm drainage facilities;
- ix. Sanitary sewer facilities;
- x. Water facilities;
- xi. Fire hydrants;
- xii. Storm drain and sanitary sewer pump stations;
- xiii. Railroad crossings;
- xiv. Bridges and major thoroughfares;
- xv. Libraries;
- xvi. Fire stations;
- xvii. Police substations; and
- xviii. Parks.

d. To reimburse a developer or the City for the preparation of a specific plan, precise road plan, master utility plan, area-wide traffic analysis, and similar studies which benefits property inside the plan area.

2. By resolution, the City Council shall establish the boundaries of the area of benefit, the estimated or actual cost, a fair method of allocation of costs, fee apportionment, and the applicable fees to be paid. The cost shall include design, construction, inspection, acquisition of land or easements, contingencies, and incidental expenses.

3. The area of benefit fees shall include a City administrative charge of 10 percent of the total cost.

D. Fee Adjustment. The actual or estimated cost of the public improvement shall be adjusted in accordance with the Engineering Construction Cost Index as published by Engineering News Record for the elapsed time period between the date the area of benefit is formed and the date the fee is collected. The revised area of benefit fee shall equal the adjusted cost plus a City administrative fee of 10 percent of the adjusted cost. Should a County, school district, or other public agency develop a parcel of land within a tentative map area, and the agency is found to be exempt from payment of area of benefit fees, the assessment for the parcel shall be prorated equally as an adjustment upon the balance of the unpaid parcels within the approved tentative map area.

E. Separate Funds. Area of benefit fees, less the 10 percent City administrative charge, shall be deposited in separate funds. Moneys in such funds shall be expended solely for the construction or reimbursement for construction of the public improvements serving the area to be benefited. The funds shall also accrue interest.

F. Life of Area of Benefit. An area of benefit shall remain in existence until all fees have been collected. After the area of benefit has been in existence for 20 years, all fees collected shall be retained by the City.

G. Surplus Distribution.

1. After completion of the public improvements and payment of all claims from any area of benefit, the Council may determine by resolution the amount of the surplus, if any, remaining in any of those funds.
2. There shall be transferred to the General Fund any remaining portion of the surplus which has not been paid to or claimed by the persons entitled thereto within two (2) years from the date of either the completion of the improvements, or the adoption by the resolution declaring a surplus, whichever is later to occur.

H. Credits.

1. Where the City has established an area of benefit for the future construction of a needed public improvement, a development will be credited for any portion of the improvement installed by the developer.
2. Whenever the area of benefit fees exceed the credits, the developer shall pay to the City the balance. Whenever the credits exceed the area of benefit fees, the City will reimburse the developer from subsequent payments.

I. Payment of Fees Required. Prior to the issuance of a building permit or the filing of any final or parcel map, the developer shall pay all area of benefit fees. The fees shall be paid for the entire area included within the map, including developed parcels.

J. Exemptions. Payment of area of benefit fees shall not be required for:

1. The following accessory buildings and structures: Private garages, children's playhouse, radio and television receiving antennas, windmills, silos, tank houses, shops, barns, coops and other buildings which are accessory to one-family or two-family dwellings.
2. The use, alteration, or enlargement of any existing structure(s) or the erection of one or more structures on the same lot or parcel of land, provided the total value, as determined by the Department, of all such alterations, enlargements, or construction does not exceed 25 percent of the current market value, as determined by the Department, of all existing structures on the lot or parcel of land, and the alteration or enlargement of the structure would not change its classification or occupancy as defined by ~~Section 501 of the~~ [California Building Standards Code/Uniform Building Code](#). This is a one (1) time exemption and subsequent development shall require full payment of all area of benefit fees.

K. Reimbursements.

1. A developer who installs public improvements, which benefit property outside the development, is eligible for reimbursement. An area of benefit will be established to reimburse the developer a proportionate share of the cost. The developer will be reimbursed from area of benefit payments from future development. The amount of reimbursement shall equal the area of benefit payments less the 10 percent City administrative charge.
2. Reimbursement shall be payable to heirs, successors and assigns of the developer. Payment to more than one (1) individual, corporation, or partnership must be approved by the City.

L. Notice of Hearing. Before the adoption of a resolution creating an area of benefit under this section and at least 10 days before the date and time set for the hearing before the Council, a notice of the date, time, and location of the hearing and a statement of the nature of the improvement to be

constructed under the area of benefit, the actual or estimated costs of the project, and the proposed boundaries of the area of benefit shall:

1. Be sent to the owners of all property proposed for inclusion in the area of benefit by first class mail, to the addresses shown on the latest equalized assessment roll of San Joaquin County; and
2. Be published at least once in a newspaper of general circulation in the City.

M. **Hearing.** A hearing on a proposed area of benefit shall take place before the Council, at which time all interested parties shall be heard. The Council shall establish the boundaries of the area of benefit, the costs, whether actual or estimated, and a fair method of allocation of costs to the area of benefit and fee apportionment.

N. **Runs with Land.** The area of benefit shall bind and run with the land. (~~Ord. 015-09 C.S., eff. 12-3-09; prior code § 16-355.050~~)

SECTION XXVII: AMENDMENT OF CODE

Title 16, Chapter 16.72, Section 16.72.070 of the Stockton Municipal Code (SMC) is amended to read, as follows:

16.72.070 Improvements (plans, agreements, and security).

A. **Applicability.** After the approval of a final or parcel map, a land use permit, or a building permit requiring the installation of improvements, the subdivider or developer shall diligently proceed to complete any improvements necessary to fulfill the conditions of approval. Improvement shall be defined as any infrastructure including streets, storm drains, sewers, and the like.

B. **General Requirements for Improvements.** The construction methods and materials for all improvements shall conform to the standard plans and specifications. The process of construction shall comply with the following requirements and all other applicable requirements of this chapter.

1. **Prerequisites for Construction.** Prior to the start of construction the following items are required:

- a. Approval of the City Engineer for:
 - i. Improvement plans prepared in compliance with this section;
 - ii. Deferred improvement agreements for single-lot development or subdivisions of four (4) or fewer parcels; and
 - iii. Subdivision agreements for all subdivisions.
- b. Encroachment permit;
- c. Insurance certificate naming City as additional insured; and
- d. Pre-construction conference with contractor and City Engineer or authorized representative.

2. **Post-Construction Requirements.** After the improvements are completed to the satisfaction of the City Engineer, the developer's engineer shall submit record drawings based in part on information compiled and furnished by others. The developer shall submit a cash deposit or warranty security to the City covering all improvements for one (1) year after final

acceptance. Performance security may be retained for one (1) year after acceptance in lieu of warranty security.

3. **Timing.** Improvements necessary to serve a structure shall be completed and accepted by the City prior to final building inspection or occupancy of that structure within the subdivision or development.

C. **Deferral of Improvements.**

1. **Criteria for Deferral.** The City Engineer may approve the deferral of public improvements for the following cases, subject to the approval of a deferred improvement agreement in compliance with subsection (D)(2) of this section (Improvement agreements, land use permits, building permits, and security).

a. Single-lot development in an active Community Development Block Grant Program area designated by the Council, where construction or reconstruction of street improvements is proposed in the plan for improvement.

b. The use, alteration, or enlargement of an existing structure or the construction of one or more structures on the same parcel, provided that:

i. The total value of all alterations, enlargements, or construction does not exceed one-fourth of the current market value, as both values are determined by the Department, of all existing buildings on the parcel; and

ii. The alteration or enlargement of the structure does not change its classification or occupancy as defined by Section 501 of the [California Building Standards Code](#) ~~Uniform Building Code~~.

c. Private garages, children's playhouses, radio and television receiving antennas, windmills, silos, tank houses, storage sheds, shops, barns, and other buildings that are accessory to one-family or two-family dwellings.

d. Single-lot development or subdivisions of four (4) or fewer parcels where the construction is impractical due to physical constraints, or the surrounding neighborhood is absent of similar improvements.

2. **Deferred Improvement Agreement.** When improvements are deferred, the developer shall enter into an agreement with the City for the installation of all public improvements at such time in the future as required by the City. The agreement shall provide:

a. That the improvement security shall be provided at the time the deferred improvement agreement is approved.

b. Construction of the improvements shall begin within 90 days of the receipt of the notice to proceed from the City.

c. That in the event of default by the owner(s), developer(s), and/or successor(s)-in-interest, the City is authorized to complete the construction and to charge the entire cost and expense to the owner(s), developer(s), and/or successor(s)-in-interest, including interest from the date of notice of the cost and expense. This agreement shall be recorded with the County Recorder at the expense of the owner(s) and shall constitute notice to all successors-in-interest of the title to the real property of the obligation to pay the costs,

expenses, and interest. A lien shall be placed for the amount to fully reimburse the City, including interest, and is subject to foreclosure in the event the payment is in default.

d. That in the event of litigation caused by any default of the owner(s), developer(s), and/or successor(s)-in-interest, the owner(s), developer(s), and/or successor(s)-in-interest agree to pay all costs involved, including reasonable attorney's fees, which shall become part of the lien against the property.

e. That the term "owner" shall include not only the present owner but also heirs, successors, executors, administrators, and assigns. The obligations shall run with the real property and shall constitute a lien against it.

3. **Standards for Deferred Improvements.** The agreement shall not relieve the owner from any other specific requirements. The construction of deferred improvements shall conform to the provisions of this Development Code and all applicable sections of the Municipal Code in effect at the time of construction.

4. **Prerequisites for Agreement.** Prior to the approval of the deferred improvement agreement, the developer shall provide:

a. All applicable fees for street tree planting, installation of street signs, traffic signals, and participation in area of benefit for drainage and sanitary sewers, bridge crossings, major thoroughfares, and other public improvements, and inspection fees as established by the Council fee resolution.

b. Deeds for dedication of easements or rights-of-way where necessary to effectuate specific plans or precise road plans, or where necessary for traffic circulation.

D. **Improvement Agreements, Land Use Permits, Building Permits, and Security.** A developer may file a parcel or final map before completion of all the improvements required by this Development Code and conditions of approval of the tentative map or applicable land use permit, only when the subdivider first obtains Review Authority approval of an improvement agreement executed and submitted for Review Authority review by the developer, and provides the City performance security as required by this section.

Improvement agreements and required security shall also comply with Chapter 5 of the Map Act. Required securities for land use permits and building permits shall be provided as specified in subsection (D)(1)(d) of this section (Improvement agreements, land use permits, building permits, and security).

1. **Contents of Improvement Agreement.** A subdivision improvement agreement shall be submitted on a form provided by the City Engineer and approved by the City Attorney and shall include the following provisions:

a. **Description of Improvements.** A description of all improvements to be completed by the developer, with reference to the approved subdivision improvement plans.

b. **Time Limit for Construction.** The period within which all required improvements will be completed to the satisfaction of the City Engineer.

c. **Completion by City.** Provide that if the developer fails to complete all required improvements within the specified time, the City may elect to complete the improvements and recover the full cost and expenses thereof from the developer or the

surety, including any attorney and legal fees associated with enforcement of the agreement.

d. **Surety Requirement.**

i. Require the developer to secure the agreement by furnishing security to insure full and faithful performance and to insure payment to laborers and material suppliers, as specified in subsection (D)(2) of this section (Improvement agreements, land use permits, building permits, and security). The amount of surety shall be based on an engineer's cost estimate submitted by the developer as provided by subsection B of this section (Residential projects), and approved by the City Engineer. The total cost of improvements to be guaranteed shall be as provided in the approved engineer's cost estimate.

ii. The developer shall provide the City with a cash deposit of one (1) percent of the construction cost or a minimum of \$5,000.00, whichever is greater. The deposit may be used at the discretion of the City to correct deficiencies and conditions caused by the developer or contractor that may arise during or after the construction of the subdivision. Any unexpended amount shall be returned to the developer at the time all bonds are released.

e. **Phased Construction.** Provisions for the construction of improvements in units, at the option of the developer.

f. **Time Extensions.** Provisions for an extension of time under conditions specified therein, at the option of the developer, consistent with the requirements of subsection G of this section (Time extensions).

g. **Progress Payments.** Provide for progress payments from surety deposits, in compliance with the requirements of subsection (I)(3) of this section (Acceptance of a portion of the improvements), provided that no progress payment shall be construed to be accepted by the City of any portion of the required improvements or any defective work or improper materials.

2. **Security Required to Guarantee Improvements.** A subdivision improvement agreement, deferred improvement agreement, or a subdivision road maintenance and repair agreement, land use permit, or building permit shall be secured by adequate surety in a form approved as to form by the City Attorney and sufficiency by the City Engineer, as follows:

a. **Type of Security.**

i. A guarantee for "faithful performance," in the amount of 50 percent of the engineer's estimate; and

ii. A guarantee for "materials and labor," in the amount of 50 percent of the engineer's estimate. Subdivision improvement agreements, land use permits or building permits shall be secured by all of the following in subsection b.

b. **Form of Security.** The required surety shall consist of one (1) or more of the following forms selected by the City Engineer for the full amounts specified in subsection (D)(1) of this section (Contents of improvement agreement):

- i. A deposit, either with the local agency or a responsible escrow agent or trust company, at the option of the local agency, of money (cash, check, money order) or negotiable bonds of the kind approved for securing deposits of public moneys;
- ii. A bond or bonds executed by one or more duly authorized corporate sureties;
- iii. An instrument of credit from an agency of the State, Federal, or local government when any said agency provides at least 20 percent of the financing for the portion of the act or agreement requiring security, or from one (1) or more financial institutions subject to regulation by the State or Federal government pledging that funds necessary to carry out the act or agreement are on deposit and guaranteed for payment; or a letter of credit issued by such a financial institution;
- iv. A lien upon the property to be divided, created by contract between the owner and the City, where the Review Authority finds that it would not be in the public interest to require the installation of the required improvement sooner than two (2) years after the recordation of the map; or
- v. Any form of security, including security interests in real property, which is acceptable to the local agency.

E. **Improvement Plans.** Before the construction of any improvements, the subdivider or developer shall submit plans to the City as follows (see Section 16.72.250, Landscaping):

1. **Preparation and Content.** Improvement plans shall be prepared by a registered civil engineer licensed to practice in the State. Improvement plan submittals shall include the following information:

- a. Any drawings, specifications, calculations, design reports, and other information required by the City Engineer shall be in compliance with the City's standard specifications and plans;
- b. Subdivision utility master plans (water, sewer, and storm drainage) as approved by the Director of Municipal Utilities;
- c. Pump station plans, (water, sewer, and storm drainage) as approved by the Director of Municipal Utilities;
- d. Grading, drainage, erosion and sediment control, and a storm water pollution prevention plan (SWPPP) for the entire subdivision for review and approval by the Director of Municipal Utilities;
- e. A vellum or Mylar copy of the approved landscape and irrigation plans for the City record shall be provided for any landscaping installed along streets or public areas;
- f. The improvement plan/specification checking and construction inspection fees as required by the Council's fee resolution; and
- g. In compliance with this subsection E of this section (Improvement plans), the subdivider shall also submit to the City Engineer a detailed cost estimate of all improvements upon:
 - i. The submittal of initial improvement plans, and
 - ii. The approval of improvement plans.

2. **Submittal of Plans.** Improvement plans shall be submitted to the City Engineer.

3. **Review and Approval.** Improvement plans shall be reviewed and approved by the City Engineer, in compliance with any approved/adopted utility master plan, within the time limits provided by Map Act Section 66456.2.
 4. **Effect of Approval.** The final approval of improvement plans shall generally be required before approval of a parcel or final map. The approval of improvement plans shall not bind the City to accept the improvements nor waive any defects in the improvements as installed.
 5. **Changes to Approved Plans.** See subsection H of this section (Revisions to approved plans).
- F. **Construction of Improvements.** Improvements required by this chapter shall be constructed/installed in compliance with this section.
1. **Timing of Improvements.** Required improvements shall be constructed or otherwise installed only after the approval of improvement plans in compliance with subsection E of this section (Improvement plans), and before the approval of a parcel or final map, if applicable, in compliance with Chapter 16.192 (Parcel Maps and Final Maps), or before any final building inspection or any certificate of occupancy, except where:
 - a. Improvements are deferred in compliance with subsection C of this section (Deferral of improvements); or
 - b. Improvements are required as conditions on the approval of a subdivision of four (4) or fewer lots, in which case construction of the improvements shall be required, as specified in the Map Act (Section 66411.1 of the Map Act);
 2. **Pre-Construction Conference.** Prior to any construction, the developer shall arrange for a pre-construction conference with the supervisor and/or contractor, subcontractors, utility companies, and the City Engineer, or the City Engineer's authorized representative.
 3. **Inspection of Improvements.** The construction and installation of required improvements shall occur as follows:
 - a. **Supervision.** Before starting any work:
 - i. **Authorized Representative.** The contractor engaged by the developer shall designate in writing an authorized representative who shall have the authority to represent and act for the contractor in contacts with the City.
 - ii. **Fee and Permit.** The inspection fees shall be paid and encroachment permit issued before inspections shall be permitted.
 - iii. **Supervisor.** The designated representative shall be present at the work site at all times while work is in progress.
 - iv. **Emergency Work.** At times when work is suspended, arrangements acceptable to the City Engineer shall be made for any emergency work that may be required.
 - b. **Inspection Procedures.**
 - i. **Inspections Required.** The City Engineer shall make any inspections deemed necessary to ensure that all construction complies with the approved improvement plans. Where required by the City Engineer, the developer shall enter

into an agreement with the City to pay the full cost of any contract inspection services determined to be necessary by the City Engineer.

ii. **Acceptance.** Work performed without inspections shall not be accepted by the City for maintenance.

4. **Additional Deficiencies.** The developer shall be responsible for correcting any deficiencies that may subsequently be discovered.

G. **Time Extensions.** An extension of time for completion of improvements under a subdivision improvement agreement shall be granted only as follows:

1. **City Engineer's Report.** The City Engineer notifies the Council that either the subdivider is proceeding to do the work required with reasonable diligence or is not yet ready to develop the subdivision, and has given satisfactory evidence of being able and willing to complete all required work within the time of the requested extension.

2. **Agreement by Sureties.** The sureties agree in writing to extend for the additional period of time at the original amount of the bond or other surety, or if recommended by the City Engineer, at an increased amount.

3. **Updating.** In consideration of a subdivision improvement agreement extension, the following may be required:

a. Revision of improvement plans to provide for current design and construction standards when required by the City Engineer;

b. Revised improvement construction estimates to reflect current improvement costs as approved by the City Engineer;

c. Increase of improvement securities in accordance with revised construction estimates; and/or

d. Inspection fees may be increased to reflect current construction.

4. **Council Action.** The Council approves the extension by a majority vote. As a condition of granting a time extension, the Council may impose whatever additional requirements the Council deems reasonable to protect the public interest.

H. **Revisions to Approved Plans.** Revisions to public improvement plans may be proposed, reviewed, and approved or disapproved as follows:

1. **By Developer.** Requests by the developer or the engineer for revisions to the approved plans appearing necessary or desirable during construction shall be submitted in writing to the City Engineer or authorized representative and shall be accompanied by a revised drawing showing the proposed revision. If the revision is acceptable, the original shall be returned to the developer's engineer for revising. The revised plans shall be immediately transmitted to the City Engineer for initialing. Construction of any proposed revision will not be permitted to commence until revised plans have been initialed by the City Engineer.

2. **By City Engineer.** When revisions are deemed necessary by the City Engineer to protect public health and safety, or as field conditions may require, a request in writing shall be made to the developer and engineer. The developer's engineer shall revise the plans and transmit the original to the City Engineer for initialing within the time specified by the City Engineer.

Construction of all or any portion of the improvements may be stopped by the City Engineer until revised drawings have been submitted. The developer may appeal revisions required by the City Engineer to the City Council by filing an appeal with the City Clerk within two (2) working days following receipt of the request to revise the plans.

I. Acceptance of Improvements.

1. **Verification.** Before acceptance for maintenance or final approval by the Council of development improvements, the City Engineer shall verify that the improvement work has been completed in substantial compliance with the approved plans and specifications, and the developer shall provide deeds for dedication of easements or rights-of-way where necessary to effectuate specific plans or where necessary for traffic circulation.

2. **Acceptance.** After all items are completed and all items on the deficiency list have been corrected and as-built improvement plans received, the Council, by this section, designates the City Engineer the authority to accept subdivision improvements. Single-lot development and parcel maps of four (4) or fewer parcels may also be accepted by the City Engineer.

3. **Acceptance of a Portion of the Improvements.** When requested by the developer in writing, the City may consider acceptance of a portion of the improvements as recommended by the City Engineer. The improvements shall be accepted by the City only if it finds that it is in the public interest and such improvements are for the use of the general public. Acceptance of a portion of the improvements shall not relieve the developer from any other requirements of this Development Code.

4. **Landscape Improvements.** See Section 16.72.240(D) regarding landscape maintenance after installation.

5. **Notice of Completion.** If the subdivision is accepted by the City, the City Clerk shall file a notice of completion with the County Recorder. (~~Ord. 011-11 C.S. § 1, eff. 10-27-11; Ord. 015-09 C.S., eff. 12-3-09; Ord. 001-08 C.S. §§ 14, 15; Ord. 023-07 C.S. § 55; prior code § 16-355.070~~)

SECTION XXVIII: AMENDMENT OF CODE

Title 16, Chapter 16.72, Section 16.72.100 of the Stockton Municipal Code (SMC) is amended to read, as follows:

16.76.100 Standards for specific types of on-premises signs.

In addition to the requirements of this chapter, on-premises signs are subject to the following standards:

- A. **Awning Signs.** Awning signs shall be allowed in the RH, CN, CO, CG, CD, CL, CA, IL, IG, PT, PF, MX, and UC zoning districts subject to the following requirements:
1. Awnings with signs shall only be located on structure frontages, including those fronting a parking lot or pedestrian way;
 2. Signs on awnings are limited to ground level and second story occupancies only;
 3. A clear distance of eight (8) feet shall be maintained from the lowest part of an awning sign to the ground below; and

4. Maximum area for the sign copy of awning signs shall be calculated in conjunction with, and shall be subject to, the requirements for wall signs in subsection J of this section (Wall signs).

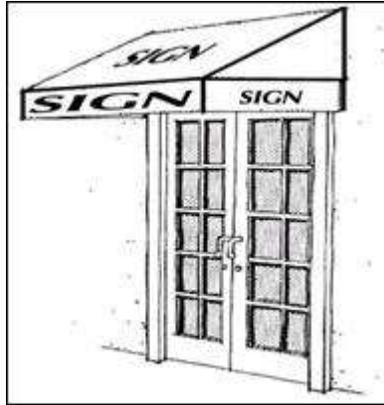


FIGURE 3-16 CANOPY/AWNING SIGN LOCATION

B. **Directional Signs.** Directional signs for the purpose of guiding traffic, parking, and loading on property shall be allowed in any zone where needed to guide traffic, parking, and loading to any portion of the site, subject to the following:

1. Maximum sign area shall be:
 - a. Four (4) square feet in residential zoning districts; and
 - b. Six (6) square feet in nonresidential zoning districts;
2. Maximum height for freestanding signs shall be five (5) feet. Taller signs may be approved by the Director, if visibility would not be impaired; and
3. Directional signs shall not contain advertising material, except for logos which are limited to 20 percent of the sign.

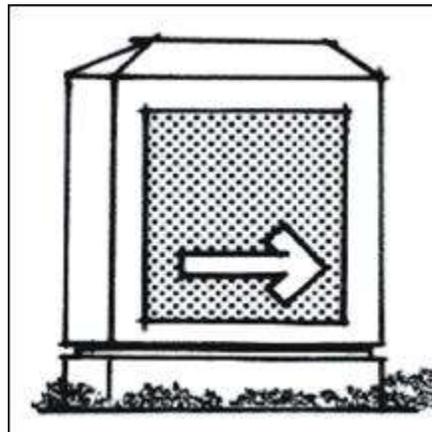


FIGURE 3-17 DIRECTIONAL SIGN

C. **Directory Signs.** Directory signs shall be allowed in any zone where needed, except single-family, duplexes, or triplexes, provided that the signs:

1. Are pedestrian-oriented;
2. Do not exceed a maximum height of seven (7) feet;
3. Are designed and erected or mounted as a wall sign, monument sign, or on or within a kiosk;
4. Are located at or near the main pedestrian entrance to a building or integrated center;
5. Contain only a list of tenants and their location for each individual building or integrated center; no additional advertising shall be allowed;
6. Are subject to approval of a comprehensive sign program in compliance with Section 16.76.050; and
7. Painted directory signs shall be subject to the above requirements and review by the Director, but shall not require a sign permit.

D. **Electronic Message Boards and Flashing/Moving Displays/Signs.** Electronic message boards and other types of flashing and/or moving displays/signs may be approved in compliance with the following standards only in the CG, CD, CA, CL, IL, IG, PF, PT, MX, and UC zoning districts. In addition to the following requirements, electronic message boards and other types of flashing and/or moving displays/signs shall comply with the requirements for the specific sign type as specified by this section.

1. **Permit Requirement.** All electronic message boards and flashing and/or moving displays/signs shall require land development permit approval in compliance with Chapter 16.136 (Land Development Permits), except for one (1) interior window sign per business that does not exceed five (5) square feet.
2. **Location Requirements.** Electronic message boards and flashing and/or moving displays/signs:
 - a. Shall not be located within 300 feet of any residential use as measured in a straight line from the nearest point of the proposed sign to the nearest applicable residentially used structure, except:
 - i. If the sign is not visible from a residential use; or
 - ii. Signs for a stadium and/or theater use associated with a school which is subject to a commission use permit (Chapter 16.168) and, at least, the following:
 - (A) Placement of the sign in relation to residential structures,
 - (B) No advertising on the flashing/moving portion of the sign,
 - (C) Size and height of the proposed sign,
 - (D) Traffic safety,
 - (E) Type and design of the electronic display,
 - (F) Intensity of lighting, and
 - (G) Other factors that would ensure the integrity of residential neighborhoods.

b. At or near any intersection with a roadway designated on the General Plan as a major and/or minor arterial or which is signalized, shall be subject to a 25-foot setback from the right-of-way line within 100 feet of the corner point of the intersection unless the bottom of the electronic message board or flashing and/or moving display/sign is a minimum height of 25 feet from top of curb. The corner point shall be defined as the intersecting point of two (2) right-of-way lines (see Figure 3-18);

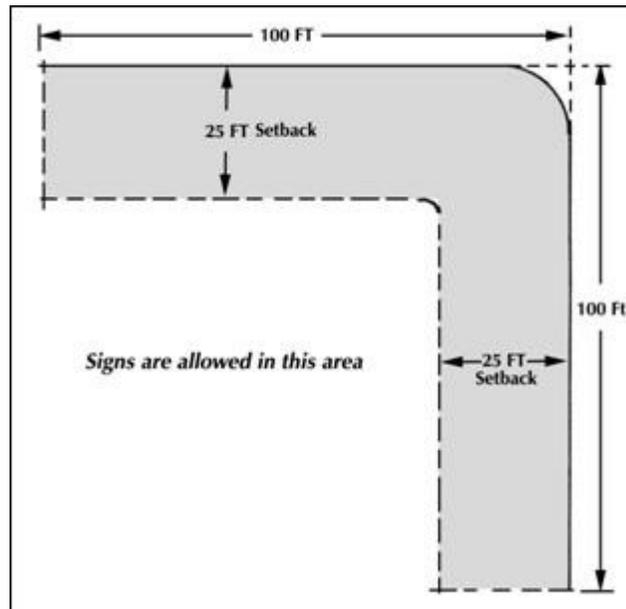


FIGURE 3-18 SIGN EXCLUSION AREA

- c. Shall not be permitted in the following areas:
- i. The Miracle Mile area along Pacific Avenue between Harding Way and Alpine Avenue; or
 - ii. Any historic preservation district established by the City Council.

3. **Illumination.** The illumination of all signs shall not reflect/project on residentially zoned property.

E. Freestanding Signs.

1. **Monument Signs.** All monument signs shall meet the following requirements:

a. **General Requirements.**

- i. Signs are allowed only along frontages adjoining a public street;
- ii. Signs shall not be located closer than five (5) feet from a property line, unless the sign is subject to more restrictive requirements in this chapter;
- iii. There shall be a minimum of 75 feet between two (2) freestanding signs on adjoining sites to ensure adequate visibility for all signs. The Director may waive

this requirement in situations where its enactment would be impractical due to the locations of existing signs on adjacent properties or the size of the parcels;

iv. Signs shall not project over or into public property, vehicular easements, or rights-of-way. Signs shall not obstruct traffic sight areas and shall be in compliance with Section 16.36.140 (Traffic sight area); and

v. Signs shall be located within a landscaped area, including a lawn, or landscaping shall be provided at the base of the sign equal to twice the area of one (1) face of the sign, with permanent irrigation system and shall be maintained to preclude obstruction of the sign copy. (For example, 30 square feet of sign area equals 60 square feet of landscaped area).

b. **Zoning Requirements.** Monument signs shall be allowed in the RE, RL, RM, RH, CN, CO, CG, CD, CL, CA, IL, IG, PT, MX, PF, OS, and UC zoning districts, subject to the requirements of subsection (E)(1)(a) of this section, and the following:

i. **RE, RL, RM, RH, CO, PF, and OS Zoning Districts.** Monument signs shall be allowed for uses in the RE, RL, RM, RH, CO, PF, and OS zoning districts, except for single-family dwellings, duplexes, and triplexes, subject to the following:

(A) **General Requirements.** The following monument sign standards shall apply to all development, except integrated centers:

- (1) One (1) monument sign per parcel;
- (2) Maximum height of seven (7) feet;
- (3) Maximum of 50 square feet per face; and
- (4) Sign copy shall contain only the name, address, type of business, and any related trademark or logo, and/or other graphics used to identify the business.

(B) **Integrated Centers.** Integrated office complexes in the CO and PF zoning districts shall be subject to a comprehensive sign program, and the following:

- (1) One (1) primary identification monument sign to identify the center:
 - (i) Located near the primary street entrance to the center;
 - (ii) Maximum of 100 square feet per sign face;
 - (iii) Maximum height of 10 feet;
 - (iv) Minimum streetside setback of 10 feet; and
 - (v) Sign copy shall prominently display the name and address of the center or project and may identify specific tenants in clearly subordinate copy. In addition, the sign may contain any related trademark or logo, and/or other graphics used to identify the integrated center.

(2) One (1) additional secondary monument sign along each street frontage, except for the street on which the primary identification sign is located:

- (i) A maximum of 50 square feet per sign face;
 - (ii) A maximum height of seven (7) feet;
 - (iii) Minimum streetside setback of 10 feet; and
 - (iv) Sign copy shall prominently display the name and address of the center or project and may identify specific tenants in clearly subordinate copy. In addition, the sign may contain any related trademark or logo, and/or other graphics used to identify the integrated center.
- (3) One (1) additional secondary monument signs shall be allowed for each separate building pad (a separate legal parcel that may be occupied by non-contiguous buildings with frontage on a public or private street), in compliance with the general requirements of subsection (E)(1)(a) of this section (General requirements) and subsection (E)(1)(b)(i)(A) of this section (Zoning requirements).
- ii. **CN, CG, CD, CL, CA, IL, and IG Zoning Districts.** Monument signs shall be allowed in the CN, CG, CD, CL, CA, IL, and IG zoning districts subject to the following:
- (A) **General Requirements.** The following monument sign standards shall apply to all development, except integrated centers:
- (1) One (1) primary identification monument sign (in compliance with the standards of this section as well as those in subsection (E)(1)(a) of this section), or a pole sign (in compliance with the requirements of subsection (E)(2) of this section), shall be allowed for each parcel. A primary identification monument sign shall be subject to:
 - (i) A maximum height of 10 feet;
 - (ii) A maximum of 100 square feet per face; and
 - (iii) Sign copy shall contain only the name, address, type of business, and any related trademark or logo, and/or other graphics used to identify the business.
 - (2) One (1) secondary identification monument sign shall be allowed for each parcel with more than one (1) frontage, except along the same street frontage on which the primary identification monument sign or pole sign is located, subject to the following standards:
 - (i) A maximum of 50 square feet per sign face;
 - (ii) A maximum height of seven (7) feet; and
 - (iii) Sign copy shall contain only the name, address, type of business, and any related trademark or logo, and/or other graphics used to identify the business.
- (B) **Integrated Center.** Integrated office complexes, integrated commercial centers, automobile centers, industrial parks, and other integrated centers shall be subject to a comprehensive sign program and the following:

(1) One (1) primary identification monument sign (in compliance with the standards of this section as well as those in subsection (E)(1)(a) of this section), or a pole sign (in compliance with the requirements of subsection (E)(2) of this section), may be located at or near the main street entrance to the integrated center, subject to the following standards:

- (i) Maximum of 100 square feet per sign face;
- (ii) Maximum height of 10 feet;
- (iii) Sign copy shall prominently display the name and address of the center or project and may identify specific tenants in clearly subordinate copy. In addition, the sign may contain any related trademark or logo, and/or other graphics used to identify the integrated center; and
- (iv) Shall be located at least 10 feet from the property lines or ultimate right-of-way line and shall not block traffic sight areas.

(2) One (1) secondary identification monument sign shall be allowed along each additional street frontage, excluding the street frontage on which the primary identification monument sign or pole is located, subject to the following standards:

- (i) A maximum of 50 square feet per sign face;
- (ii) A maximum height of seven (7) feet;
- (iii) Minimum streetside setback of 10 feet; and
- (iv) Sign copy shall prominently display the name and address of the center or project and may identify specific tenants in clearly subordinate copy. In addition, the sign may contain any related trademark or logo, and/or other graphics used to identify the integrated center.

(3) One (1) additional monument sign shall be allowed for each separate building pad (a separate legal parcel that may be occupied by noncontiguous buildings with frontage on a public or private street), in compliance with the general requirements of subsections (E)(1)(a) and (b)(ii)(B)(2) of this section.

iii. **MX, UC, and PT Zoning Districts.** Signs are allowed in compliance with the master development plan for the MX and UC zoning districts and the Rough and Ready Island Development Plan for the Port of Stockton, California for the PT zoning district.

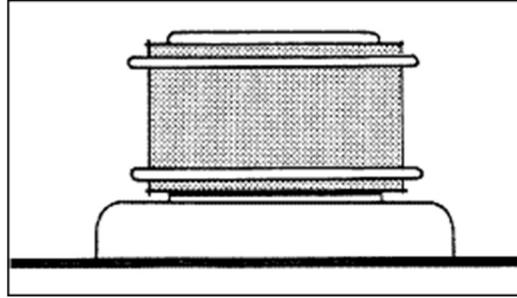


FIGURE 3-19 MONUMENT SIGN

2. **Pole Signs.** All pole signs shall comply with the following requirements:
- a. **General Requirements.**
 - i. Pole signs shall have a minimum of two (2) poles; pole signs containing one (1) pole are prohibited, except as authorized by the Director. The poles shall be separated the width of the sign cabinet, except as authorized by the Director;
 - ii. All pole signs shall require the approval of a land development permit in compliance with Chapter 16.136 (Land Development Permits), except as otherwise approved by another discretionary application for a project on the same site;
 - iii. Pole signs shall only be allowed along the frontages adjoining a public street;
 - iv. Pole signs shall not be located closer than five (5) feet from a property line, unless the sign is subject to more restrictive requirements of this chapter;
 - v. There shall be a minimum of 75 feet between two (2) pole signs, or a pole sign and monument sign, on adjoining sites to ensure adequate visibility for all signs. The Director may waive this requirement in situations where its enactment would be impractical due to the locations of existing signs on adjacent properties or the size of the property;
 - vi. Pole signs shall not project over public property, easements, pedestrian paths, or rights-of-way. Signs shall not obstruct traffic sight areas and shall comply with Section 16.36.140 (Traffic sight area); and
 - vii. A clear distance of 10 feet shall be maintained from the lowest part of the pole sign to the ground below.
 - b. **Freeway-Oriented Signs.** On-premises freeway-oriented signs shall be allowed in the CG, CD, CL, CA, IL, IG, PT, MX, and UC zoning districts within an area that is 500 feet on either side of the edge of a freeway and 1,000 feet along the freeway from an interchange of the freeway (see Figure 3-20) in compliance with subsection (E)(2)(a) of this section, and the following:
 - i. **CG, CD, CL, CA, IL, and IG Zoning Districts.** Freeway-oriented signs shall be allowed in the CG, CD, CL, IL, and IG zoning districts subject to the following:

- (A) A maximum of one (1) freeway-oriented or other pole sign shall be allowed per parcel; in integrated centers, only one (1) of the pole signs may be a freeway-oriented sign;
- (B) The height of a freeway-oriented sign shall not exceed 35 feet above the height of the freeway road surface (excluding access ramps) as measured at the point nearest to the proposed sign, and shall not exceed a maximum overall height of 75 feet;
- (C) A freeway-oriented sign shall allow a maximum of 300 square feet per face; and
- (D) Sign copy shall contain only the name, address, type of business, and any related trademark or logo, and/or other graphics used to identify the business.

ii. **MX, UC, and PT Zoning Districts.** Freeway-oriented signs in the MX, UC, and PT zoning districts shall not exceed the maximum height, area, and number of freeway-oriented signs allowed in subsection (E)(2)(b), and shall be in compliance with the master development plan for the MX or UC zoning district or the Rough and Ready Island Development Plan for the Port of Stockton, California for the PT zoning district.

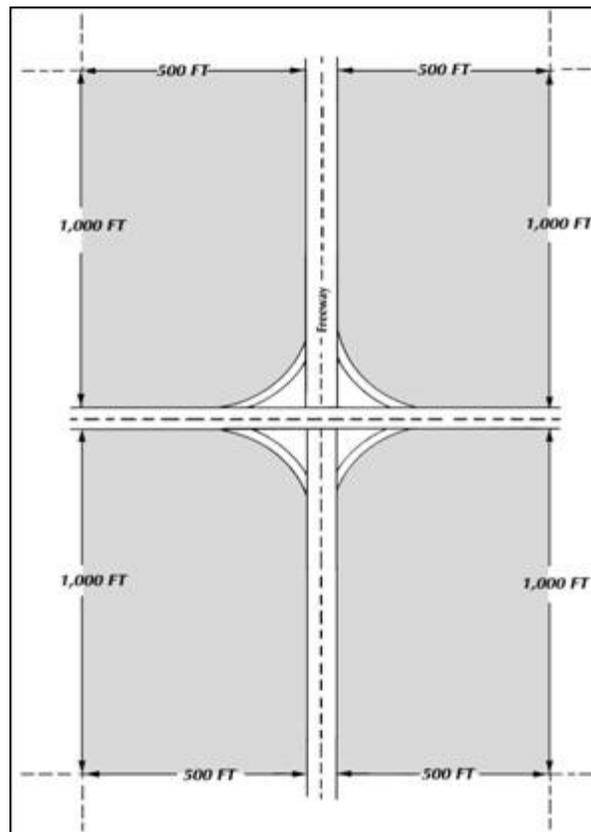


FIGURE 3-20 FREEWAY-ORIENTED SIGN LOCATION

c. **Zoning Requirements.** Pole signs shall be allowed in the CG, CD, CL, CA, IL, IG, PT, MX, and UC zoning districts, subject to the requirements of subsection (E)(2)(a) of this section, and the following requirements:

i. **CG, CD, CL, CA, IL, and IG Zoning Districts.**

(A) **General Requirements.** The following shall apply to all development in the CG, CD, CL, CA, IL, and IG zoning districts, except as provided for on-premises freeway-oriented pole signs (subsection (E)(2)(b) of this section), and for integrated centers and the CA zoning district (subsection (E)(2)(c)(i)(B) of this section):

- (1) One (1) pole sign per parcel in compliance with the standards of this section and subsection (E)(2)(a) of this section, or a primary identification monument sign, in compliance with the standards in subsection (E)(1)(b)(ii)(A) of this section;
- (2) Maximum height of 30 feet;
- (3) Maximum of 150 square feet per sign face; and
- (4) Sign copy shall contain only the name, address, type of business, and any related trademark or logo, and/or other graphics used to identify the business.

(B) **Integrated Centers and the CA Zoning District.** Integrated commercial centers, automobile centers, business parks, industrial parks, other allowed integrated centers, and individual uses in the CA zoning district shall be subject to a comprehensive sign program and the following:

- (1) One (1) primary identification pole sign in compliance with the standards of this section and subsection (E)(2)(c)(i)(A) of this section, or a primary identification monument sign in compliance with the standards in subsection (E)(1)(b)(ii)(A)(1) of this section, may be located at or near the main street entrance to the integrated center. A primary identification pole sign shall be subject to the following standards:
 - (i) Pole sign shall be set back 10 feet from the property lines or ultimate right-of-way line and shall not block traffic sight areas; and
 - (ii) Sign copy shall prominently display the name and address of the center or project and may identify specific tenants in clearly subordinate copy. In addition, the sign may contain any related trademark or logo, and/or other graphics used to identify the integrated center.
- (2) One (1) additional pole sign shall be allowed for a second street frontage, in compliance with the standards in subsection (E)(2)(a), (b) and (c) of this section, except that only one (1) of the total number of pole signs may be freeway-oriented.

ii. **MX, UC, and PT Zoning Districts.** Pole signs in the MX, UC, and PT zoning districts shall not exceed the maximum height, area, and number of pole signs allowed in subsection (E)(2)(c)(i)(B) (Zoning Requirements—CG, CD, CL, CA, IL, and IG Zoning Districts—Integrated Centers and the CA Zoning District) and shall be in compliance with the master development plan for the MX or UC zoning district or the Rough and Ready Island Development Plan for the Port of Stockton, California for the PT zoning district.

F. **Marquee Signs.** Marquee signs shall be allowed in the CN, CG, CD, CL, and MX zoning districts, subject to the following requirements:

1. Signs shall be mounted only on the front or sides of a marquee, or suspended below;
2. Signs shall not project more than six (6) inches from the face of a marquee;
3. Signs shall not extend above the top of a marquee;
4. A clear distance of 10 feet shall be maintained from the lowest part of a suspended sign to the ground below; and
5. The maximum area for marquee signs shall be calculated in conjunction with, and shall be subject to, the requirements for wall signs (subsection J of this section (Wall signs)).



FIGURE 3-21 MARQUEE SIGN

G. **Projecting Signs.** Projecting signs shall be allowed in the CN, CG, CD, CL, and MX zoning districts. Projecting signs in the CG and CL zoning districts shall not project over the right-of-way, except for the Miracle Mile. The use of projecting signs shall be subject to the following requirements.

1. Signs shall be located only on the wall frontage with the primary entrance to the structure;
2. A clear distance of 10 feet shall be maintained from the lowest point of the projecting sign to the ground below; for projecting signs over public driveways, alleys, and thoroughfares a clear distance of 15 feet shall be maintained from the lowest point of the projecting sign to the ground;

3. A sign shall be attached to the wall no more than two (2) feet from the nearest point of the sign to the wall;
4. All mounting hardware shall be concealed;
5. No part of a sign shall be located within two (2) feet of a curb;
6. Signs may comprise or be configured as logos, symbols, or figures in addition to, or instead of, written words; and
7. The maximum area of each sign face shall be 24 square feet.

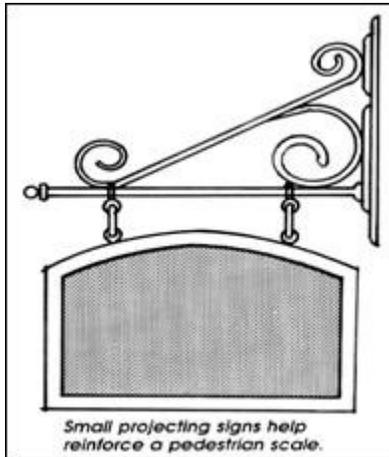


FIGURE 3-22 PROJECTING SIGN

H. **Suspended Signs.** Suspended signs shall be allowed in the CN, CG, CD, CL, and MX zoning districts. Suspended signs in the CG and CL zoning districts shall not project over the right-of-way, except for the Miracle Mile. The use of suspended signs shall be subject to the following requirements:

1. Signs shall be located near the main entrance to the structure;
2. A clear distance of 10 feet shall be maintained from the lowest point of the suspended sign to the ground below; for suspended signs over public driveways, alleys, and thoroughfares, a clear distance of 15 feet shall be maintained from the lowest point of the projecting sign to the ground;
3. All mounting hardware shall be concealed, unless suspended by a chain no greater than 12 inches in length;
4. Signs may comprise, or be configured as, logos, symbols, or figures in addition to, or instead of, written words;
5. No part of the sign shall be located within two (2) feet of a curb; and
6. The maximum area of each sign face shall be 10 square feet.

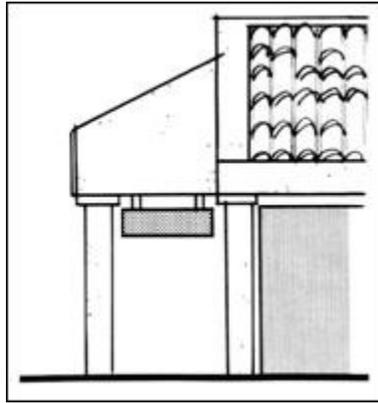


FIGURE 3-23 SUSPENDED SIGN

I. **Temporary Signs.** Unless otherwise stipulated, temporary signs may be erected no earlier than 30 days before the commencement of the event and shall be removed within seven (7) days of completion of the event.

1. **Subdivision Signs.** Temporary signs offering property within a subdivision for sale shall be subject to the following:

- a. One (1) sign per street frontage;
- b. Signs shall not exceed 40 square feet in area and six (6) feet in height;
- c. Signs shall not be placed on any public property or rights-of-way, including properties of public utility companies;
- d. The sign shall be removed no later than 30 days after the sale of the last home or lot within the subdivision being advertised; and
- e. Temporary subdivision signs shall require a land development permit in compliance with Chapter 16.136 (Land Development Permits).

2. **Temporary Signs Exempt From Sign Permits.** Temporary signs exempt from the requirements for a sign permit shall be subject to the requirements of Section 16.76.040(D) (Exemptions from sign permits).

J. **Wall Signs.**

1. **General Requirements.**

- a. Wall signs shall:
 - i. Be located only on structure wall frontages along streets, alleys, parking lots, or other rights-of-way, unless specifically approved by the Director or through a comprehensive sign program;
 - ii. Not project from the surface upon which they are attached more than required for construction purposes and in no case more than 12 inches;
 - iii. Not project above the eave of a roof or parapet; and

- iv. Not be placed to obstruct any portion of a window, except for signs designed for windows in compliance with subsection K of this section (Window signs).
 - b. The following types of signs shall be included in the calculation of wall signs: permanent awning, marquee, and window signs.
2. **Zoning Requirements.** Wall signs shall be allowed in all zoning districts, subject to the requirements of subsection (J)(1) of this section (Wall signs—General requirements), and the following:
- a. **RE, RL, RM, and RH Zoning Districts.** Wall signs shall be allowed in the RE, RL, RM, and RH zoning districts, except for single-family, duplexes, and triplexes, subject to the following:
 - i. Maximum of one (1) square foot of sign per two (2) linear feet of structure for all wall signs; and
 - ii. The sign copy shall contain only the name, logo, and address of the facility.
 - b. **CO and PF Zoning Districts.** The area of all wall signs shall not exceed a maximum of one (1) square foot of sign area per linear foot of wall.
 - c. **CN, CG, CL, IL and IG Zoning Districts.** The area of all wall signs shall not exceed a maximum of two (2) square feet per linear foot of wall.
 - d. **CD Zoning Districts.** (See Figure 3-25.)
 - i. Maximum of two (2) square feet of sign per linear foot for ground floor storefronts with direct access to a street, alley, or parking lot; plus
 - ii. One (1) identification sign for the structure per street frontage of 500 square feet or 10 percent of the wall area, whichever is less.
 - e. **CA Zoning District.** Wall signs shall be a maximum of two (2) square feet per lineal foot of a wall with frontage along a street, alley, or parking lot.
 - f. **MX, UC, and PT Zoning Districts.** Wall signs in the MX and UC zoning districts shall conform to the master development plan for the specific district or the Rough and Ready Island Development Plan for the Port of Stockton, California for the PT zoning district.

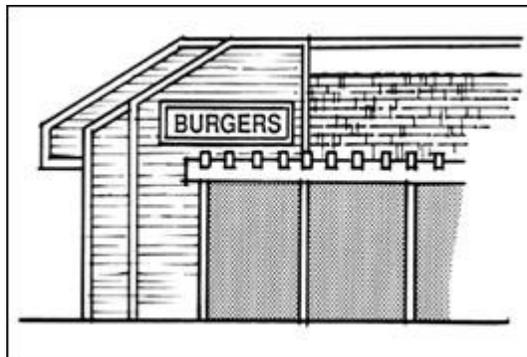


FIGURE 3-24 WALL SIGN



FIGURE 3-25 CD ZONING DISTRICT STRUCTURE IDENTIFICATION SIGN

K. **Window Signs.** Window signs shall be allowed in the CO, CN, CG, CD, CL, CA, IG, IL, PF, MX, and UC zoning districts, subject to the following requirements:

1. **Permanent Window Signs.** Permanent window signs shall comply with the following requirements:
 - a. Signs shall be allowed only on windows located on the ground level and second story of a structure frontage;
 - b. Signs shall not occupy more than 35 percent of the window area of a wall including permanent and temporary signs; and
 - c. The maximum area for window signs shall be calculated in conjunction with, and in compliance with, the requirements for wall signs (subsection J of this section (Wall signs)).
2. **Temporary Window Signs.** Temporary window signs shall be subject to the requirements of subsection I of this section (Temporary signs).

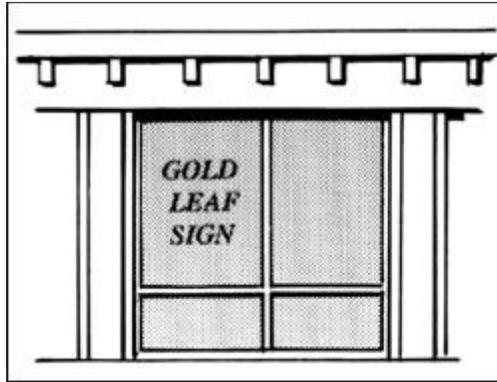


FIGURE 3-26 WINDOW SIGN

L. **Special Signs.** The following signs shall be allowed in the identified zones subject to the following requirements:

1. **Neon Signs.** The use of exposed neon tubes for signs shall be allowed in the following zoning districts only:
 - a. CG, CD, and CL zoning districts, subject to requirements for the applicable type of sign above, and the following requirements:
 - i. Neon signs and linear tubing shall be UL (Underwriters Laboratories) listed with a maximum 20 amps per circuit and be designed to accommodate an automatic dimmer in order to reduce the brightness of the neon;
 - ii. Neon tubing shall not exceed one-half inch in diameter;
 - iii. Neon lighting may not be located within 300 feet of any residential zone unless the neon lighting is not visible from the residential zone. The distance shall be measured in a straight line from the nearest point of the proposed sign to the nearest applicable boundary line of the residential zone;
 - iv. Neon tubing shall not be combined with any reflective materials (e.g., mirrors, polished metal, highly-glazed tiles, or other similar materials); and
 - v. Neon used as an architectural element shall be subject to the requirements of a building permit.
 - b. MX zoning district, subject to the requirements of the master development plan.
2. **Signs Within Structures.** Signs located entirely within structures or within shopping centers or similar areas shall be allowed in all zoning districts subject to a sign permit. Signs within structures are:
 - a. Exempt from the other requirements of this chapter, except that only one (1) sign seen from outside the structure, a maximum of five (5) square feet in size, shall be allowed; and
 - b. Subject to the applicable requirements of the Municipal Code and the [California Building Standards Code](#)~~Uniform Building Code~~.

3. **Residential Project/Subdivision Signs.** Permanent identification and other signs for residential projects and subdivisions shall be allowed, subject to the following requirements (temporary subdivision signs are subject to the requirements of subsection (I)(1) of this section (Temporary signs—Subdivision signs)):

a. **General Requirements.**

- i. Located within low and/or medium-density residential projects (including subdivisions of five (5) or more lots, planned developments, and/or condominium projects) and in a RE, RL, or RM zoning district;
- ii. The project shall contain a minimum of two (2) acres;
- iii. All signs for uses directly related to a tentative map, planned development permit, or condominium project, shall require a comprehensive sign program subject to approval by the Director or Commission in compliance with Section 16.76.050 (Comprehensive sign program); and
- iv. All residential project/subdivision signs and associated landscaping shall be maintained by the property owner, home owner's association, or maintenance district, as applicable.

b. **Specific Sign Requirements.**

i. **Primary Identification Signs.**

- (A) Maximum of one (1) primary identification sign at the designated main entrance along each perimeter street frontage of the residential project/subdivision;
- (B) Either monument signs or wall/fence signs incorporated into an entrance feature, (e.g., entrance gate, masonry wall, kiosk, or similar structure), and shall be placed within a landscaped lot at or adjacent to the main entrance(s) to the project/subdivision;
- (C) Maximum of 40 square feet per face for each monument or wall sign. Maximum of seven (7) feet in height for monument signs; and
- (D) Signs shall not be located on any public property, right-of-way, or easement, including public utilities easements (PUE).

ii. **Other Residential Project/Subdivision Signs.** Wall signs shall be allowed in compliance with subsection J of this section (Wall signs). Other monument signs shall be allowed to identify specific facilities (e.g., activity centers, private recreational facilities), subareas, and/or public or private streets within the project/subdivision, in compliance with a comprehensive sign program and subject to the following requirements:

(A) **Number.**

- (1) One (1) per parcel or site;
- (2) One (1) identifying a geographic subarea within a residential project/subdivision, or the public or private street that provides access to a subarea within a landscaped median at each entrance to that subarea.

(B) **Size.** Maximum of 24 square feet per face for each sign.

(C) **Height.** Maximum of three (3) feet for monument signs.

4. **Service Station Pricing Signs.** Service station pricing signs shall be allowed in the following zoning districts.

a. CN, CG, CD, CL, CA and IL zoning districts provided:

i. Pricing signs are designed and located so as to comply with Section 9.64.210 of the Municipal Code;

ii. The pricing sign(s) are incorporated into the following signs:

(A) Not more than (1) pole sign on the site,

(B) Monument sign(s) located on each additional street frontage not occupied by a pole sign in compliance with the requirements for monument signs (subsection (E)(1) of this section) and requirements of the State, and

(C) Monument signs located on the corner shall be counted as one of the monument signs; and

iii. All logos are limited to no more than 20 percent of the area of the sign.

b. MX zoning district subject to the requirements of the master development plan and PT zoning district subject to the requirements of the Rough and Ready Island Development Plan for the Port of Stockton, California.

~~(Ord. 011-11 C.S. § 1, eff. 10-27-11; Ord. 015-09 C.S., eff. 12-3-09; Ord. 023-07 C.S. §§ 73–78; prior code § 16-360.100)~~

SECTION XXIX: AMENDMENT OF CODE

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

16.80.020 Accessory uses and structures.

This section provides standards for accessory uses and structures.

A. **Residential.** Provides standards for accessory uses and structures that are customarily related to a residence, (e.g., garages, greenhouses, storage sheds, studios, above ground swimming pools/spas, and workshops).

1. **Relationship of Accessory Use to the Main Use.** Accessory uses and structures shall be incidental to and not alter the residential character of the site.

2. **Attached Structures.**

a. An accessory structure that is attached to a main structure shall be compatible with, and made structurally a part of, the main structure (e.g., share a common wall with the main structure, rely partially on the main structure for structural support, or be attached to the main structure at a minimum of four (4) points within 20 feet).

- b. An attached accessory structure shall comply with the requirements of this Development Code applicable to the main structure, including setbacks, heights, and lot coverage.
- c. Construction and the use of materials and colors shall be compatible with the main structure whenever feasible.
3. **Detached Structures.**
- a. **Coverage.** The floor area of a detached accessory structure or that portion of the detached accessory structure that is located within the setback area shall not exceed 50 percent of the required rear yard (the rear setback area) of the parcel in compliance with Table 2-3 (Zoning District Development Standards). Accessory structures shall be included in the calculation for the coverage of the entire site in compliance with Table 2-3.
- b. **Height Limit.** Detached accessory structures shall not exceed a height of 15 feet, except detached tool sheds located within a required side yard which shall not exceed a height of seven (7) feet from grade. Flagpoles are limited to 15 feet within the setback area in compliance with Section 16.36.090(B)(6) (Flagpoles).
- c. **Materials and Color.** Detached accessory structures shall be compatible with the materials and color of the main dwelling(s) on the property whenever feasible.
- d. **Separation Requirements.** Detached accessory structures on a single parcel shall be separated from the main structure and other structures by five (5) feet or more, as required, except as allowed by the [California Building Standards Code](#)~~Uniform Building Code (UBC)~~.
- e. **Distance Requirements.** A detached accessory structure shall be set back at least the distance from the property line required in Table 3-13 (Distance Requirements—Detached Residential Accessory Uses and Structures), except for the following:
- i. **Side Yard.** Accessory structures may only be allowed within one (1) required side yard, provided that side yard has at least a three (3) foot walkway between the front and rear yards that is open and unobstructed from the ground upward, in compliance with Section 16.36.110(D)(1)(b). See Figure 3-27 (Distance Requirements for Accessory Structures).
- ii **Hot Tubs and Swimming Pools/Spas.** The setbacks for hot tubs and swimming pools/spas shall be measured from the property line to the inside (water side) wall of the hot tub, swimming pool, or spa, and the hot tub, swimming pool, or spa shall be subject to the following:
- (A) **Under 30 Inches.**
- (1) **Above Ground.** Above ground hot tubs, pools and spas less than 30 inches above finish grade are exempt from rear and side setback requirements.
- (2) **In Ground.** In ground swimming pools or other recreational pools may be located in a required side or rear yard, subject to a three (3) foot setback in compliance with Table 3-13 (Distance Requirements—

Detached Residential Accessory Uses and Structures) and the applicable building and health codes.

- (B) **30 Inches and Over.** Hot tubs and swimming pools/spas that are placed directly upon the finish grade, and which equal or exceed a height of 30 inches above the surrounding finish grade at any point, may be located in a required side or rear yard, subject to a three (3) foot setback in compliance with Table 3-13 (Distance Requirements—Detached Residential Accessory Uses and Structures) and the applicable building and health codes.
- iii. **Equipment for Hot Tubs, Swimming Pools, and Spas.** Equipment for hot tubs, swimming pools, and spas shall be three (3) feet from the side and rear property lines in compliance with Table 3-13 (Distance Requirements—Detached Residential Accessory Uses and Structures), except for equipment that is:
 - (A) Muffled by a sound barrier; or
 - (B) Less than six (6) feet in height and located adjacent to a solid fence or wall at the rear property line.
- iv. **Garages/Carports.** Garages, carports, and other portable vehicle covers or shelters, permanent or temporary, shall be in compliance with Table 3-13 (Distance Requirements—Detached Residential Accessory Uses and Structures), except for the front yard setback of side-entry garages which shall be 15 feet. Garages and carports in multifamily projects shall not directly face an abutting public street.
- v. **Landscape Ponds/Design Elements.** Landscape ponds, including pumps, and other design elements (arbors, statuary, benches, lights, etc.) may be located in a required front, side, or rear yard, subject to the applicable building and health codes.
- vi. **Fences, Hedges, and Walls.** Fences, hedges, and walls shall be in compliance with Chapter 16.48 (Fences, Hedges, and Walls).

**TABLE 3-13
DISTANCE REQUIREMENTS—DETACHED RESIDENTIAL
ACCESSORY USES AND STRUCTURES**

*See Section 16.80.020 for exceptions

Residential Uses			
Detached Accessory Use/Structure	Type	Required Distance from Property Line	
		Single-Family, Duplexes, and Triplexes	Multifamily
Stationary emergency generators	Front	Same as main structure	Same as main structure
	Side, rear	3 feet	3 feet
	Street, side	Same as main structure	Same as main structure

Residential Uses			
Detached Accessory Use/Structure	Type	Required Distance from Property Line	
		Single-Family, Duplexes, and Triplexes	Multifamily
Air conditioning equipment, water softener, water heater except as provided in Section 16.80.020(A)(3)(e)(i)	Front	Same as main structure	Same as main structure
	Side, rear	3 feet	3 feet
	Street, side	Same as main structure	Same as main structure
Garage, carport, portable vehicle covers or shelters, except as provided in Sections 16.80.020(A)(3)(e)(iv) and 16.36.110(F)	Front	20 feet	20 feet
	Side	3 feet	Same as main structure
	Street side	20 feet	20 feet
	Rear	3 feet; if entrance faces right-of-way—20 feet	Same as main structure
	Alley	10 feet from alley	10 feet from alley
Flagpoles in compliance with Sections 16.36.090(B)(6) and 16.80.020(A)(3)(b)	Front	5 feet	5 feet
	Side	3 feet	3 feet
	Street side	5 feet	5 feet
	Rear	3 feet	3 feet
Hot tubs, spas, swimming pools, except as provided in Section 16.80.020(A)(3)(e)(ii)	Front	Same as main structure	Same as main structure
	Side	3 feet	3 feet
	Street side	Same as main structure	Same as main structure
	Rear	3 feet	3 feet
Hot tub, pool and spa equipment, except as provided in Section 16.80.020(A)(3)(e)(iii)	Front	Same as main structure	Same as main structure
	Side, rear	3 feet	3 feet
	Street side	Same as main structure	Same as main structure
All other accessory structures, including gazebo, greenhouse, storage shed, workshop, pool house, patio cover, outdoor play equipment, recreational court, stationary barbeque, fire pit. Sections 16.80.020(A)(3)(e)(i) and 16.76.110(F).	Front	Same as main structure	Same as main structure
	Side	3 feet	Same as main structure
	Street side	Same as main structure	Same as main structure
	Rear	3 feet	Same as main structure
	Alley	10 feet from alley	10 feet from alley

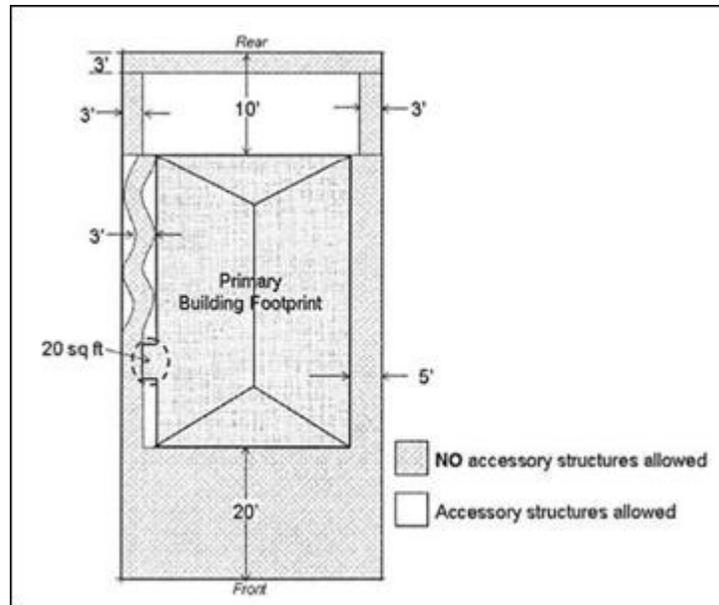


FIGURE 3-27 DISTANCE REQUIREMENTS FOR DETACHED ACCESSORY STRUCTURES

B. **Nonresidential.** Provides standards for accessory uses and structures 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. **Containerized Storage Units.** Containerized storage units, as defined in Division 8 (Glossary) shall only be allowed as follows:

a. **Standards.**

i. **Commercial.** Permanent containerized storage units are prohibited. Temporary units may be allowed subject to a temporary activity permit (Chapter 16.164).

ii. **Industrial.** 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); and

(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).

iii. **Residential.** Containerized storage units shall be prohibited in residential zoning districts.

- 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~~Uniform Building Code~~, standard plans and specifications, and design review.
3. **Mobile Vendors.** Street vendors, as defined in Division 8, shall be allowed as an outdoor accessory use in a commercial zoning district or PF (public facilities) zoning district in compliance with the following:
- a. A business license is obtained in compliance with Section 5.08.070 of the Municipal Code;
 - b. Not utilize, or be located on, parking spaces required for the primary use;
 - c. ~~Not~~ be located on a vacant parcel;
 - d. Be located on pavement per City standards;
 - e. Provide sufficient room surrounding the cart to allow for accessibility and to meet fire codes and ADA requirements;
 - f. 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;
 - g. Not interfere with pedestrian movement or create a pedestrian hazard;
 - h. If food or drink is served:
 - i. All cooking shall be off-site,
 - ii. Provide a trash receptacle and keep the area litter free at all times, and
 - iii. Comply with the requirements of the County Health Department;
 - i. Use of a public right-of-way shall only be allowed in compliance with Section 5.08.280 of the Municipal Code.
4. **Motorized Food Wagons.** Motorized food wagons shall:
- a. **Private Property.**
 - i. Be incidental to a primary use excluding Auto/Vehicle Services: – Inoperable Vehicle Storage, Auto/Vehicle Services: Parking Facilities, Auto/Vehicle Services: Vehicle Storage;
 - ii. Have a valid business license;
 - iii. Be located in industrial and commercial zoning districts;
 - iv. Use of motorized food wagons during special events, shall be permitted subject to Chapter 16.164 (Temporary Activity Permits);
 - v. Not be located on a vacant parcel;
 - vi. Be located on pavement per City standards;
 - vii. Not utilize, or be located on, parking spaces required for the primary use;
 - viii. Not interfere with access, driveways, aisles, circulation, or operate in a place resulting in a traffic hazard; and
 - ix. Comply with the requirements of the County Health Department.

- b. **Public Right-of-Way.** Only be permitted on public rights-of-way, subject to Section 5.08.280 of the Municipal Code.
5. **Outdoor Phone Booths.** Outdoor phone booths shall only be allowed in compliance with the Municipal Code.
6. **Retail/Service.** Provides standards for accessory uses and structures 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. 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 XXX: AMENDMENT OF CODE

Title 16, Chapter 16.80, Section 16.80.195 of the Stockton Municipal Code (SMC) is amended to read, as follows:

16.80.195 Cannabis business types—Commission use permitting.**A. Retailer Operator Permit – Storefront (Retailer Operator)—Land Use Process.**

1. **Eligible Applicants.** To apply for a commission use permit, a retailer operator permit applicant must first be selected from either the general pool or equity pool after submitting an intent to apply. Refer to subsection K of this ~~section~~Section.
2. **Commission Use Permit Required.** A commission use permit is required to sell medical or adult-use cannabis at a retail location.
3. **Non-Storefront Retailer (Delivery Only).** At the time this code goes into effect, active retailer operators shall be permitted to engage in non-storefront retail (delivery only) by-right. Operators must amend their operators permit and city business license.
4. **Operators Permit Required.** After acquiring a commission use permit, a retailer operator permit applicant must obtain and maintain at all times a valid cannabis operators permit as required by Chapter 5.100. An operators permit is required whether the retailer intends on selling medical and/or adult-use cannabis.
5. **Zoning Districts.** A retailer operator permit shall only be issued for property located in Commercial, Office (CO), Commercial, Neighborhood (CN), Commercial, General (CG), Commercial Downtown (CD), Commercial, Large-Scale (CL), Industrial, General (IG) or Industrial, Limited (IL) zones, as indicated in Table 2-2. They are also allowed in the Mixed Use (MX) zone.
6. **Location Requirements.** The following location requirements apply to all retailer operator permits:
 - a. No retailer operator shall be established or located within 300 feet, measured from the nearest property lines of each of the affected parcels, of any existing residential zone;
 - b. No retailer operator shall be established or located within 600 feet, measured from the nearest property lines of each of the affected parcels, of any park (excluding golf courses, marinas, or public trails), school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center, childcare center, child care, in-home (family day care home), religious facilities, drug abuse, or alcohol recovery/treatment facility that is in existence at the time the land use permit is issued;
 - c. As permitted by 16 Cal. Code Regs. 5026(b), the Review Authority may waive or reduce these location requirements through the issuance of a Waiver, as provided in pursuant to Chapter 16.176. Waivers shall only be considered for unique situations where the literal application of the distance requirement is not reasonable. Waiver determinations will be made on a case-by-case basis. In addition to the findings required by Section 16.176.040, the Review Authority shall also find that the granting of the Waiver is justified because a natural and/or manmade barrier (e.g., railroad easement, freeway/highway, waterbody, watercourse) sufficiently separates and reduces circulation between the proposed cannabis business and other land use subject to the location requirement. When considering a Waiver request under this provision,

Only those uses established and in operation as of the date ~~that of the~~ Waiver application for a retailer operator commission use permit is determined or deemed to be complete shall be considered for purposes of determining whether the location requirements are met.

7. **Conditions of Approval.** The ~~Planning Commission Review Authority~~ may address development and operational standards through conditions on the commission use permit as it is determined to be necessary or appropriate for the cannabis retailer operator commission use permit under consideration; provided, that conditions shall not conflict with the provisions of Chapter 5.100, relating to operating requirements of retailer operator permit and shall be subordinate to conditions placed on the retailer operator permit issued under Chapter 5.100.
 8. **Parking.** Off-street parking shall be provided as required under Chapter 16.64.040, Table 3-9.
 9. **Application.** The application for a commission use permit for a retailer operator permit shall include a floor plan, site plan, and neighborhood context map. The Director may also require more and/or different information, at his or her discretion.
 10. **Pre-Existing Cannabis Dispensaries—Nonconforming.** No retailer operator permit operating or purporting to operate without a valid business license and commission use permit prior to the adoption of the ordinance codified in this section, shall be deemed to have been a legally established use under the provisions of this code, nor shall the operation of such dispensary be deemed a legal nonconforming use under this Title 16.
 11. **Additional Grounds for Revocation of Retailer Operator Permit Commission Use Permit.** In addition to the grounds stated in Section 16.108.030(B) for revocation of a commission use permit, a commission use permit for a retailer operator may be revoked on either of the following grounds in accordance with the procedure under Section 16.108.030(A):
 - a. The retailer operator permit is operated in a manner that violates any of the provisions of State law or this code; or
 - b. The retailer operator permit does not have a valid retailer operator permit in accordance with Chapter 5.100.
 12. **Adult-Use Sales.** Existing retailer operator permits in possession of a valid, active commission use permit, may also sell adult-use cannabis by-right with a valid amendment to their retailer operator permit in accordance with Chapter 5.100.
 13. **Distribution and Non-Volatile Manufacturing.** At the time this code goes into effect, existing retail operators whose operations are located in the Industrial, Light (IL) or Industrial, General (IG) zone shall be permitted to engage in distribution and non-volatile manufacturing by-right. Retail operators must amend their operators permit and City business license.
- B. Non-Storefront Retail Operator Permit (Delivery Only)—Land Use Process.**
1. **Administrative Use Permit Required.** An administrative use permit is required to establish and operate a non-storefront retail cannabis delivery business.
 2. **Operator Permit Required.** After acquiring an administrative use permit, the non-storefront retail operator (delivery only) must obtain and maintain a valid cannabis business operators permit as required by Chapter 5.100.

3. **Zoning Districts.** A non-storefront retail operator permit (delivery only) shall only be issued for property located within the Commercial, Office (CO), Commercial, Neighborhood (CN), Commercial, General (CG), Commercial, Downtown (CD), Commercial, Large-Scale (CL), Industrial, Limited (IL), and Industrial, General (IG) as indicated in Table 2-2. They are also allowed in Mixed Use (MX) zones.
4. **Location Requirements.** The following location requirements apply to all non-storefront retail operators (delivery only):
 - a. No non-storefront operator shall be established or located within 300 feet, measured from the nearest property lines of each of the affected parcels, of any existing residential zone;
 - b. No non-storefront operator shall be established or located within 600 feet, measured from the nearest property lines of each of the affected parcels, of any park (excluding golf courses, marinas, or public trails), school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center, childcare center, child care, in-home (family day care home), religious facilities, drug abuse, or alcohol recovery/treatment facility that is in existence at the time the land use permit is issued;
 - c. As permitted by 16 Cal. Code Regs. 5026(b), the review authority may waive the location requirements as provided in Chapter 16.176. Waivers shall only be considered for unique situation where the literal application of the distance requirement is not reasonable. Waiver determinations will be made on a case-by-case basis. Waivers will be granted in situations where a natural barrier (such as railroad easement, freeway/highway, public trail, or utility easement) prohibits the intended residential use or use listed in Chapter 16.180.195(B)4.a.
5. **Conditions of Approval.** The administrator-Review Authority may address development and operational standards through conditions on the administrative use permit as it determined to be necessary or appropriate for the non-storefront operator permit (delivery only) administrative use permit under consideration; provided, that these conditions do not conflict with provisions of Chapter 5.100 relating to operating requirement of non-storefront operators (delivery only) sites and shall be subordinate to conditions placed on the cannabis operators permit issued under Chapter 5.100.
6. **Parking.** Off-street parking shall be provided as required under Section 16.64.040, Table 3-9.
7. **Application.** The application for an administrative use permit for a non-storefront operator site shall include a floor plan, site plan, and neighborhood context map. The Director may also require more and/or different information, at his or her discretion.
8. **Pre-Existing Cannabis Non-Storefront Operator (Delivery Only) Sites—Nonconforming.** No non-storefront operator (delivery only) operating or purporting to operate without a valid business license and administrative use permit prior to the adoption of the ordinance codified in this section, shall not be deemed, to have been a legally established use under the provision of this code, nor shall the operation of such non-store front (delivery only) operation site be deemed a legal nonconforming use under this Title 16.

9. **Additional Grounds for Revocation of Cannabis Non-Storefront Operation (Delivery Only) Site Administrative Use Permit.** In addition to the grounds stated in Section [16.108.030\(B\)](#) for revocation of an administrative use permit, an administrative use permit for a non-storefront operator (delivery only) may be revoked on either of the following grounds in accordance with the procedure under Section [16.108.030\(A\)](#):

- a. The non-storefront operator is operated in a manner that violates any of the provisions of State law or this code; or
- b. The non-storefront operator does not have a valid cannabis operator permit as required by Chapter [5.100](#).

C. **Cultivator Operator Permit Application (Cultivator Operator).**

1. **Eligible Applicants.** To apply for a cultivator commission use permit, an applicant must first be selected from either the general pool or equity pool after submitting an intent to apply. Refer to subsection K of this ~~section~~[Section](#).

-

2. **Commission Use Permit Required.** A commission use permit is required to establish or operate a cannabis cultivation operation.

3. **Adult-Use Cannabis Cultivation.** A permitted medical cannabis cultivation site is allowed to grow adult-use cannabis by-right.

4. **Distribution.** At the time this code goes into effect, active cultivator operators shall be permitted to engage in distribution by-right. Operators must amend their operators permit and City business license.

5. **Non-Volatile Manufacturing.** At the time this code goes into effect, active cultivator operators shall be permitted to engage in non-volatile manufacturing by-right. Operators must amend their operators permit and City business license.

6. **Non-Storefront Retailer (Delivery Only).** At the time this code goes into effect, active cultivator operators shall be permitted to engage as a non-storefront retailer by-right. Operators must amend their operators permit and City business license.

7. **Operators Permit Required.** After acquiring a commission use permit, a cannabis cultivation site must obtain and maintain at all times a valid cannabis operators permit as required by Chapter [5.100](#).

8. **Zoning Districts.** A cultivator operator permit shall only be issued for property located within the Industrial, Limited (IL), Industrial, General (IG), Port (PT), or Open Space (OS), as indicated in Table 2-2. They are also allowed in Mixed Use (MX) zones.

9. **Location Requirements.** The following location requirements apply to all cannabis cultivator operators:

- a. No cultivator operator shall be established or located within 300 feet, measured from the nearest property lines of each of the affected parcels, of any existing residential zone;
- b. No cultivator operator shall be established or located within 600 feet, measured from the nearest property lines of each of the affected parcels, of any park [\(excluding golf courses, marinas, or public trails\)](#), school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center, childcare center, child care, in-

home (family day care home), religious facilities, drug abuse, or alcohol recovery/treatment facility that is in existence at the time the land use permit is issued;

c. As permitted by 16 Cal. Code Regs. 5026(b), the review authority may waive the location requirements as provided in Chapter [16.176](#). Waivers shall only be considered for unique situation where the literal application of the distance requirement is not reasonable. Waiver determinations will be made on a case-by-case basis. Waivers will be granted in situations where a natural barrier (such as railroad easement, freeway/highway, public trail, or utility easement) prohibits the intended residential use or use listed in Chapter 16.180.195(C)4.a.

Only those uses established and in operation as of the date that the application for a cultivator operator commission use permit is determined or deemed to be complete shall be considered for purposes of determining whether the location requirements are met.

10. **Limit on Growth Square Footage.** The cumulative area of total canopy size on the premises of a cultivator operator shall not exceed requirements set forth by State of California statutory standards 22,000-square feet.

11. **Conditions of Approval.** The ~~Review Authority Planning Commission~~ may address development and operational standards through conditions on the commission use permit as it is determined to be necessary or appropriate for the cultivator operator commission use permit; provided, that conditions do not conflict with the provisions of Chapter [5.100](#) relating to operating requirements of cultivator operator and shall be subordinate to conditions placed on the cultivator operator permit issued under Chapter [5.100](#).

12. **Parking.** Off-street parking shall be provided as required under Section [16.64.040](#), Table 3-9.

13. **Application.** The application for a commission use permit for a cultivator operator shall include a floor plan, site plan, and neighborhood context map. The Director may also require more and/or different information, at his or her discretion.

14. **Pre-Existing Cannabis Cultivation Sites—Nonconforming.** No cultivator operator operating or purporting to operate without a valid business license and commission use permit prior to the adoption of the ordinance codified in this section, shall be deemed to have been a legally established use under the provisions of this code, nor shall the operation of such cultivation site be deemed a legal nonconforming use under this Title 16.

15. **Additional Grounds for Revocation of Cultivator Operator Commission Use Permit.** In addition to the grounds stated in Section [16.108.030\(B\)](#) for revocation of a commission use permit, a commission use permit for a cultivator operator may be revoked on either of the following grounds in accordance with the procedure under Section [16.108.030\(A\)](#):

- a. The cultivator operator is operated in a manner that violates any of the provisions of State law or this code; or
- b. The cultivator operator does not have a valid cannabis operator permit as required by Chapter [5.100](#).

16. **Retail Storefront Operation.** At the time this code goes into effect, existing cultivator operators shall be permitted to engage in retail storefront operations by-right. Operators must amend their operators permit and City business license.

D. Volatile Manufacturer Operator Permit Applicant (Volatile Manufacturer Operator).

1. **Eligible Applicants.** To apply for a volatile manufacturer operator commission use permit, an applicant must first be selected from either the general pool or equity pool after submitting an intent to apply. Refer to subsection K of this ~~section~~Section.
2. **Commission Use Permit Required.** A commission use permit is required to engage in commercial volatile manufacturing of cannabis.
3. **Operators Permit Required.** After acquiring a commission use permit, a volatile manufacturer operator must obtain and maintain at all times a valid cannabis operators permit as required by Chapter 5.100.
4. **Zoning Districts.** A volatile manufacturer operator permit shall only be issued for property located within the Industrial, Limited (IL), Industrial, General (IG), or Port (PT) as indicated in Table 2-2. They are also allowed in Mixed Use (MX) zones.
5. **Location Requirements.** The following location requirements apply to all cannabis volatile manufacturers.
 - a. No volatile manufacturer operator shall be established or located within 300 feet, measured from the nearest property lines of each of the affected parcels, of any existing residential zone;
 - b. No volatile manufacturer operator shall be established or located within 600 feet, measured from the nearest property lines of each of the affected parcels, of any park (excluding golf courses, marinas, or public trails), school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center, childcare center, child care, in-home (family day care home), religious facilities, drug abuse, or alcohol recovery/treatment facility that is in existence at the time the land use permit is issued;
 - c. As permitted by 16 Cal. Code Regs. 5026(b), the review authority may waive the location requirements as provided in Chapter 16.176. Waivers shall only be considered for unique situation where the literal application of the distance requirement is not reasonable. Waiver determinations will be made on a case-by-case basis. Waivers will be granted in situations where a natural barrier (such as railroad easement, freeway/highway, public trail, or utility easement) prohibits the intended residential use or use listed in Chapter 16.180.195(D)5.a.
6. **Conditions of Approval.** The ~~Review Authority Planning Commission~~ may address development and operational standards through conditions on the commission use permit as it is determined to be necessary or appropriate for the volatile manufacturer operator commission use permit under consideration; provided, that conditions shall not conflict with the provisions of Chapter 5.100, relating to operating requirements of volatile manufacturer operator and shall be subordinate to conditions placed on the cannabis operators permit issued under Chapter 5.100.
7. **Parking.** Off-street parking shall be provided as required under Section 16.64.040, Table 3-9.
8. **Application.** The application for a commission use permit for a volatile manufacturer operator shall include a floor plan, site plan, and neighborhood context map. The Director may also require more and/or different information, at his or her discretion.

9. **Pre-Existing Cannabis Volatile Manufacturers—Nonconforming.** No volatile manufacturer operator operating or purporting to operate without a valid business license and commission use permit prior to the adoption of the ordinance codified in this section, shall be deemed to have been a legally established use under the provisions of this code, nor shall the operation of such manufacturing be deemed a legal nonconforming use under this Title 16.

10. **Additional Grounds for Revocation of Volatile Manufacturer Operator Commission Use Permit.** In addition to the grounds stated in Section [16.108.030\(A\)](#):

- a. The cannabis volatile manufacturer operator is operated in a manner that violates any of the provision of State law or this code; or
- b. The volatile manufacturer operator does not have a valid cannabis manufacturer operators permit required by Chapter [5.100](#).

E. **Non-Volatile Manufacturer Operator Permit Applicant (Manufacturer Operator).**

1. **Commission Use Permit Required.** A commission use permit is required to engage in commercial non-volatile manufacturing of cannabis.

2. **Operators Permit Required.** After acquiring a commission use permit, a non-volatile manufacturer operator must obtain and maintain at all times a valid cannabis operators permit as required by Chapter [5.100](#).

3. **Zoning Districts.** A non-volatile manufacturer operator permit shall only be issued for property located within the Industrial, Limited (IL), Industrial, General (IG), or Port (PT) as indicated in Table 2-2. They are also allowed in Mixed Use (MX) zones.

4. **Location Requirements.** The following location requirements apply to all cannabis non-volatile manufacturers:

- a. No non-volatile manufacturer operator shall be established or located within 300 feet, measured from the nearest property lines of each of the affected parcels, of any existing residential zone;
- b. No non-volatile manufacturer operator shall be established or located within 600 feet, measured from the nearest property lines of each of the affected parcels, of any park [\(excluding golf courses, marinas, or public trails\)](#) school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center, childcare center, child care, in-home (family day care home), religious facilities, drug abuse, or alcohol recovery/treatment facility that is in existence at the time the land use permit is issued;
- c. As permitted by 16 Cal. Code Regs. 5026(b), the review authority may waive the location requirements as provided in Chapter [16.176](#). Waivers shall only be considered for unique situation where the literal application of the distance requirement is not reasonable. Waiver determinations will be made on a case-by-case basis. [Waivers will be granted in situations where a natural barrier \(such as railroad easement, freeway/highway, public trail, or utility easement\) prohibits the intended residential use or use listed in Chapter 16.180.195\(E\)4.a.](#)

5. **Conditions of Approval.** The [Review Authority Planning Commission](#) may address development and operational standards through conditions on the commission use permit as it is determined to be necessary or appropriate for the non-volatile manufacturer operator

commission use permit under consideration; provided, that conditions shall not conflict with the provisions of Chapter [5.100](#), relating to operating requirements of non-volatile manufacturer operator and shall be subordinate to conditions placed on the cannabis operators permit issued under Chapter [5.100](#).

6. **Parking.** Off-street parking shall be provided as required under Section [16.64.040](#), Table 3-9.

7. **Application.** The application for a commission use permit for a non-volatile manufacturer operator shall include a floor plan, site plan, and neighborhood context map. The Director may also require more and/or different information, at his or her discretion.

8. **Pre-Existing Cannabis Non-Volatile Manufacturers—Nonconforming.** No non-volatile manufacturer operator operating or purporting to operate without a valid business license and commission use permit prior to the adoption of the ordinance codified in this section, shall be deemed to have been a legally established use under the provisions of this code, nor shall the operation of such non-volatile manufacturing be deemed a legal nonconforming use under this Title 16.

9. **Additional Grounds for Revocation of a Non-Volatile Manufacturer Operator Commission Use Permit.** In addition to the grounds stated in Section [16.108.030\(A\)](#):

- a. The cannabis non-volatile manufacturer operator is operated in a manner that violates any of the provision of State law or this code; or
- b. The non-volatile manufacturer operator does not have a valid cannabis non-volatile manufacturer operators permit required by Chapter [5.100](#).

F. **Distributor Operator Permit Applicant (Distributor Operator).**

1. **Commission Use Permit Required.** A commission use permit is required to establish or operate a distributor operator permit, except as otherwise noted for existing cannabis cultivations.

2. **Operators Permit Required.** After acquiring a commission use permit, distributor operators must obtain and maintain at all times a valid cannabis operators permit as required by Chapter [5.100](#).

3. **Zoning Districts.** A distributor operator permit shall only be issued for property located within the Industrial, Limited (IL), Industrial, General (IG), or Port (PT) as indicated in Table 2-2. They are also allowed in Mixed Use (MX) zones.

4. **Location Requirements.** The following location requirements apply to all distributor operator:

- a. No distributor operator shall be established or located within 300 feet, measured from the nearest property lines of each of the affected parcels, of any existing residential zone;
- b. No distributor operator shall be established or located within 600 feet, measured from the nearest property lines of each of the affected parcels, of any park ([excluding golf courses, marinas, or public trails](#)), school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center, childcare center, child care, in-home (family day care home), religious facilities, drug abuse, or alcohol recovery/treatment facility that is in existence at the time the land use permit is issued;

c. As permitted by 16 Cal. Code Regs. 5026(b), the Review Authority may waive the location requirements as provided in Chapter [16.176](#). Waivers shall only be considered for unique situation where the literal application of the distance requirement is not reasonable. Waiver determinations will be made on a case-by-case basis. Waivers will be granted in situations where a natural barrier (such as railroad easement, freeway/highway, public trail or utility easement), prohibits the intended residential use or use listed in Chapter 16.180.195(F)4.a.

5. **Conditions of Approval.** The Planning Commission may address development and operational standards through conditions on the commission use permit as it is determined to be necessary or appropriate for the distributor operator commission use permit under consideration; provided, that conditions shall not conflict with the provisions of Chapter [5.100](#) relating to operating requirements of distributor operator sties and shall be subordinate to conditions placed on the cannabis distributor operators permit issued under Chapter [5.100](#).

6. **Parking.** Off-street parking shall be provided as required under Section [16.64.040](#), Table 3-9.

7. **Application.** The application for a commission use permit for a distributor operator site shall include a floor plan, site plan, and neighborhood context map. The Director may also require more and/or different information, at his or her discretion.

8. **Pre-Existing Cannabis Distributor Sites—Nonconforming.** No distributor operator operating or purporting to operate without a valid business license and commission use permit prior to the adoption of the ordinance codified in this section, shall not be deemed to have been a legally established use under the provisions of this code, nor shall the operation of such cultivation site be deemed a legal nonconforming use under this Title 16.

9. **Additional Grounds for Revocation of Cannabis Distributor Site Commission Use Permit.** In addition to the grounds stated in Section [16.108.030](#)(B) for revocation of a commission use permit, a commission use permit for a distributor operator may be revoked on either of the following ground in accordance with the procedure under Section [16.108.030](#)(A):

- a. Distributor operator site is operated in a manner that violates any of the provisions of State law or this code; or
- b. The distributor operator site does not have a valid cannabis operators permit as required by Chapter [5.100](#)

G. **Testing Laboratory Operator Permit Applicant (Testing Laboratory Operatory).**

1. **Land Use Requirement.** Testing laboratories land use is allowed by-right. All other requirements set forth in this section must be met.

2. **Operators Permit Required.** The testing laboratory operator must obtain and maintain a valid cannabis testing facility permit as required by Chapter [5.100](#).

3. **Zoning Districts.** A testing laboratory operator permit shall only be issued for property located within the Commercial, Office (CO), Commercial, Neighborhood (CN), Commercial, General (CG), Commercial, Downtown (CD), Commercial, Large-Scale (CL), Industrial, Limited (IL), or Industrial, General (IG), as indicated in Table 2-2. They are also allowed in Mixed Use (MX) zones.

4. **Location Requirements.** The following location requirements apply to all testing laboratory operators:

- a. No testing operator shall be established or located within 300 feet, measured from the nearest property lines of each of the affected parcels, of any existing residential zone;
- b. No testing operator shall be established or located within 600 feet, measured from the nearest property lines of each of the affected parcels, of any park (excluding golf courses, marinas, or public trails), school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center, childcare center, child care, in-home (family day care home), religious facilities, drug abuse, or alcohol recovery/treatment facility that is in existence at the time the land use permit is issued;
- c. Testing facilities are not allowed to vertically integrate or have other cannabis business types as a part of the business;
- d. As permitted by 16 Cal. Code Regs. 5026(b), the review authority may waive the location requirements as provided in Chapter 16.176. Waivers shall only be considered for unique situation where the literal application of the distance requirement is not reasonable. Waiver determinations will be made on a case-by-case basis. Waivers will be granted in situations where a natural barrier (such as railroad easement, freeway/highway, public trail or utility easement) prohibits the intended residential use or use listed in Chapter 16.180.195(G)4.a.

5. **Parking.** Off-street parking shall be provided as required under Section 16.64.040, Table 3-9.

6. **Pre-Existing Cannabis Testing Facility Sites—Nonconforming.** No testing laboratory operator operating or purporting to operate without a valid business license and operators permit prior to the adoption of the ordinance codified in this section, shall be deemed to have been a legally established use under the provisions of this code, nor shall the operation of such testing site be deemed a legal nonconforming use under this Title 16.

7. **Additional Grounds for Revocation of Cannabis Testing Facility Site By-Right Allowance.** The land use rights for a testing laboratory operator may be revoked on either of the following grounds:

- a. The testing laboratory operator is operated in a manner that violates any of the provisions of State law or this code; or
- b. The testing laboratory operator does not have a valid testing cannabis operator permit as required by Chapter 5.100.

H. **Microbusiness Operator Permit—Land Use Process.**

1. **Eligible Applicants.** To apply for a microbusiness operator commission use permit, an applicant must first be selected from either the general pool or equity pool after submitting an intent to apply. Refer to subsection K of this section.

2. **Use Permits Required.** Based on subtype, the following use permits are required to establish and operate a microbusiness:

RDC		RDM	
Retailer or Retailer (Non-Storefront)	CUP AUP	Retailer or Retailer (Non-Storefront)	CUP AUP
Distributor or Distributor (Transport Only)	CUP CUP	Distributor or Distributor (Transport Only)	CUP CUP
Cultivation (less than 10,000 sq. ft.)	CUP	Manufacturer (Level 1, Type 6)	CUP
RCM		DCM	
Retailer or Retailer (Non-Storefront)	CUP AUP	Distributor or Distributor – Transport Only	CUP CUP
Cultivation (less than 10,000 sq. ft.)	CUP	Cultivation (less than 10,000 sq. ft.)	CUP
Manufacturer (Level 1, Type 6)	CUP	Manufacturer (Level 1, Type 6)	CUP

In the case of microbusinesses only, the multiple commission use permit application requirement shall be processed as a single commission use permit application for review and approval by the ~~Planning Commission~~ Review Authority.

3. **Operator Permit Required.** After acquiring the required use permits, the microbusiness must obtain and maintain a valid cannabis operators permit as required by Chapter 5.100.

In the case of microbusinesses only, a single cannabis business operators permit application addressing all subtypes (as submitted by the applicant) shall be processed for review and approval by the Chief of Police.

4. **Zoning Districts.** A microbusiness permit shall only be issued for property located within the Industrial, Limited (IL) and Industrial, or General (IG) zones, as indicated in Table 2-2. They are also allowed in Mixed Use (MX) zones.

5. **Location Requirements.** The following location requirements apply to all cannabis microbusinesses:

- a. In the case of microbusinesses with non-storefront operator (delivery only), microbusiness must be located within a fully-enclosed building and the interior of the building must not be visible from the public right-of-way;
- b. No microbusiness operator shall be established or located within 300 feet, measured from the nearest property lines of each of the affected parcels, of any existing residential zone;
- c. No microbusiness operator shall be established or located within 600 feet, measured from the nearest property lines of each of the affected parcels, of any park (excluding golf courses, marinas, or public trails), school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center, childcare center, child care, in-home (family day care home), religious facilities, drug abuse, or alcohol recovery/treatment facility that is in existence at the time the land use permit is issued;

- d. As permitted by 16 Cal. Code Regs. 5026(b), the review authority may waive the location requirements as provided in Chapter [16.176](#). Waivers shall only be considered for unique situation where the literal application of the distance requirement is not reasonable. Waiver determinations will be made on a case-by-case basis. Waivers will be granted in situations where a natural barrier (such as railroad easement, freeway/highway, public trail or utility easement) prohibits the intended residential use or use listed in Chapter [16.180.195\(H\)5.a](#).
6. **Conditions of Approval.** The ~~administrator~~ Review Authority may address development and operational standards through conditions on the administrative use permit as it is determined to be necessary or appropriate for the microbusiness use permit(s) under consideration; provided, that these conditions do not conflict with provisions of Chapter [5.100](#) relating to operating requirement of microbusiness sites and shall be subordinate to conditions placed on the cannabis operators permit issued under Chapter [5.100](#).
7. **Parking.** Off-street parking shall be provided as required under Section [16.64.040](#), Table 3-9.
8. **Application.** The application for a use permit for a microbusiness site shall include a floor plan, site plan, and neighborhood context map. The Director may also require more and/or different information, at his or her discretion.
9. **Pre-Existing Cannabis Microbusiness Sites—Nonconforming.** No microbusiness operating or purporting to operate without a valid business license and required use permit(s) prior to the adoption of the ordinance codified in this section, shall not be deemed, to have been a legally established use under the provision of this code, nor shall the operation of such microbusiness operation site be deemed a legal nonconforming use under this Title 16.
10. **Additional Grounds for Revocation of Cannabis Microbusiness Site Use Permit.** In addition to the grounds stated in Section [16.108.030\(B\)](#) for revocation of a use permit, a use permit for a microbusiness may be revoked on either of the following grounds in accordance with the procedure under Section [16.108.030\(A\)](#).
- a. The microbusiness is operated in a manner that violates any of the provisions of State law or this code; or
 - b. The microbusiness does not have a valid cannabis operator permit as required by Chapter [5.100](#).
- I. **Prohibition of Certain Cannabis Businesses.** The following cannabis businesses shall be prohibited in the City of Stockton:
- Any cannabis business engaging in the sale of medical or adult-use cannabis or cannabis products at a location other than that permitted through cannabis operators permit.
- J. **Prohibition of Outdoor Personal Cannabis Cultivation.**
1. Cannabis cultivation for personal use must be located inside a private residence, or inside an accessory structure to a private residence located upon the grounds of a private residence that is fully enclosed and secure.
 2. All cannabis cultivation for personal use within a private residence must be conducted in a manner that prevents cannabis plants from being visible from any street, sidewalk, or other

place freely accessible by the public and prevents the odor of cannabis from permeating beyond the boundaries of the parcel or property where the indoor cultivation is occurring.

K. Limited Cannabis Business Expansion Process—Equity Program.

1. **Program Intent.** The goal of the equity program is 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.

2. The City shall create an equity program to aid those persons from economically disadvantaged communities that experience high rates of poverty.

3. To qualify to be an equity applicant, greater than 50 percent of the ownership, as determined by equity sharing, for the permit must be:

- a. A resident of Stockton; AND
- b. One of the following: be an MBE/WBE business, live in an opportunity zone, live in the SB 535 disadvantaged area, or live in a HUD designated area.

4. On an annual basis, the City of Stockton shall allow for the following numbers of new permits for cannabis businesses:

- a. Two (2) retail commission use permits.
- b. Two (2) cultivator commission use permits.
- c. Two (2) volatile manufacturer commission use permits.
- d. Two (2) microbusiness commission use permits.

5. Permits shall be issued in the following manner:

a. **Lottery System.**

i. All applicants, equity and nonequity, shall annually submit an intent to apply with paperwork that proves that the applicant has identified property that meets all City locational criteria and zoning requirements. All applications for the year will be due by a date determined by the City.

ii. If the applicant wishes to be designated as an equity applicant, then they must submit paperwork establishing that over 50 percent of the business owners, as determined by equity sharing, meet the requirements as listed. All applicants wishing to be designated as an equity applicant must do so at the time of submitting an intent to apply for a permit.

iii. After closing the application process, the City will randomly select one (1) application from the general pool first for each of the following permit types: retail operator, cultivator operator and volatile manufacturer operator, and microbusiness. Then the City will randomly select one (1) application from the equity applicants for each of the following permit types: retail operator, cultivator operator, volatile manufacture operator, and microbusiness.

iv. All applications must show continual good faith efforts to obtain the permit or else communicate that he or she is no longer pursuing the application.

v. If the City determines that the application is not progressing, the City shall notify the applicant of the intent to deny the application and the required next steps

for the applicant to rectify. The applicant shall have 30 days from the date of the issuance of the notification to meet the next steps, or the application shall be denied.

vi. If an application is denied or the applicant decides not to pursue the application, the City shall select at random from the pool of applicants from which the denied or abandoned application was selected.

vii. If an applicant is seeking to permit the following commercial cannabis types: non-volatile manufacture, distribution, testing laboratory, and non-storefront retailer (delivery only); they will not be subject to the lottery system. There are no limitations on the number of land use permits allowed for said commercial cannabis business types.

b. **Exemptions.** Testing laboratory, non-storefront retailer, distributor, and non-volatile manufacturer permits shall not be subject to the lottery system as described in this title. There are no limitations on the number of land use permits allowed for said commercial cannabis business types.

L. **Administrative Guidelines.** In addition to rules and regulations that may be established by the City Council pursuant to Section 16.80.195 of this Code, the City Manager may establish and amend administrative guidelines as needed to administer this chapter. The administrative guidelines shall have the force of law and shall be enforceable in the same manner and to the same extent as the provisions of this chapter. The administrative guidelines referenced herein shall be one and the same as those referenced in Section 5.100.300 of this code. (~~Ord. 2019-07-16-1504 C.S. § 6; Ord. 2019-03-05-1501 C.S. § 6; Ord. 2018-09-18-1502 C.S. § 20; Ord. 2017-11-07-1502 C.S. § 1; Ord. 2016-06-28-1503-01 C.S. § III; Ord. 2013-07-30-1603-01 C.S. § 2; Ord. 013-10 C.S. § 1, eff. 9-23-10~~)

SECTION XXXI: AMENDMENT OF CODE

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

16.80.225 Co-Living Facilities.

This section provides 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. Definitions:

1. Co-Living (Dwelling Unit Facility). A permanent housing facility consisting of single-room occupancy units, where each bedroom is considered a separate living quarter to be occupied by permanent residents.
2. Co-Living (Lodging Facility). A temporary lodging facility consisting of single-room occupancy units, rented to the public for overnight or other temporary lodging (less than 30 days).

B. Development Standards.

1. Partial or complete kitchen and bath facilities:

- i. If individual bath facilities are not provided, there shall be provided on each floor, for each sex, at least one water closet and lavatory and one 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 for every additional ten guests or fractional number thereof more than ten. Such facilities shall be clearly marked for "men" or "women." As an alternative, adequate unisex facilities may be provided.
- ii. 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.
 - iii. For purposes of this section, a partial bathroom contains a water closet and sink which may be utilized for both hygiene and cooking purposes.
 - iv. 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 of these facilities.
- 2. 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.
 - 3. Excluding the closet and the bathroom area, a Co-living unit must contain a minimum of one hundred fifty (150) square feet in floor area. The average unit size in a Co-living unit facility shall be no greater than two hundred seventy-five (275) square feet and no individual living unit may exceed four hundred (400) square feet.
 - 4. Each Co-living unit shall be designed to accommodate a maximum of two (2) persons.
 - 5. Individual Co-living units may not have separate external entryways.
 - 6. The Co-living unit facility must have a management plan approved by the Housing Division.
 - 7. Laundry facilities must be provided in a separate room at the ratio of one (1) washer and one (1) dryer for every twenty (20) units or fractional number thereof.
- 4-8. 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.

SECTION XXXII: AMENDMENT OF CODE

Title 16, 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 (ADU) and Junior Accessory Dwelling Units (JADU).

This section provides standards for the establishment of accessory dwelling units in a manner consistent with Government Code Section 65852.2.

A. Definitions.

- 1. Accessory dwelling unit (ADU). An attached or a detached residential dwelling unit which provides complete independent living facilities for one (1) or more persons. If detached, may be a tiny home (permanent). It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as a single-family dwelling unit is situated; further accessory dwelling units are as defined in California Government Code Section 65852.2.
- 2. Junior Accessory Dwelling Unit (JADU). A unit that is no more than 500 square feet in size and contained entirely within a single-family 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 65852.22.

3. Living area. The interior habitable area of a dwelling unit including basements and attics but does not include a garage or carport or an accessory structure. If a garage or carport is provided for the attached accessory dwelling unit, the calculation of the floor area of the accessory dwelling unit does not include the floor area of the garage or carport.
4. Multifamily building. A building including two (2) or more dwelling units.
5. Passageway. A pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

B. Zoning Districts. Table 2-2 identifies the zoning districts where accessory dwelling units are allowed.

C. Review Procedures.

1. The Review Authority shall issue a ministerial building permit for an accessory dwelling unit or junior accessory dwelling unit without discretionary review or a hearing, consistent with the provisions of this chapter and state law, unless provided otherwise provided. All accessory dwelling unit proposals are reviewed ministerially through the application of standards in this section only.
2. An accessory dwelling unit located within the Channel area overlay district are ministerial and shall not require a Commission Use Permit, as identified in Chapter Section 16.28.040 (Channel area overlay district).
3. An accessory dwelling unit including exterior alterations to the parcel and/or existing structures and located within the Magnolia historic overlay district or at a parcel with a designated historic landmark shall not require a Certificate of Appropriateness, as identified in Chapter Section 16.28.060 (Magnolia historic overlay district) and Chapter Section 16.220.070 (Landmarks), and instead, shall be subject to standards of the Citywide Design Guidelines. Design Review in compliance with Chapter 16.120 (Design Review).
4. An accessory dwelling unit located within a design review overlay district shall be subject to standards of the Citywide Design Guidelines. Design Review in compliance with Chapter 16.120 (Design Review), except when it is not noticeably visible from a public right-of-way.

⊖D. Number of Accessory Dwelling Units Allowed. One (1) accessory dwelling unit shall be allowed per parcel except as follows:

1. When a parcel has one or more existing multifamily buildings, as defined in this section, at least one (1) accessory dwelling unit but not more than 25 percent of the existing multifamily units are permitted when concerning the conversion of storage rooms, boiler rooms, passageways, attics, basements, or garages, if each accessory dwelling unit complies with the applicable provisions of Title 15.
2. When the parcel has one or more existing multifamily buildings, as defined in this section, a maximum of two (2) detached accessory dwelling units are permitted.
3. ADU or one ADU and one JADU may be constructed on lots with proposed or existing single-family dwellings in accordance with Government Code Section 65852.2(e)(1)(A)-(B).

⊖E. Development Standards.

1. An accessory dwelling unit shall not be included in the calculation of the density of the lot on which it is located.
2. Both detached and attached accessory dwelling units are subject to the height, ~~site coverage,~~ and setback standards at Table 2-3, except for the following:
 - a. Attached and detached accessory dwelling units 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 accessory dwelling unit, only those portions located outside the existing building envelope are subject to a minimum setback of three (3) feet.
3. The maximum floor area of a detached accessory dwelling unit is 1,200 square feet, excluding, where present, any enclosed parking space(s), exterior stairs, or similar non-habitable features.
4. ~~If there is an existing primary dwelling, the total floor area of an attached ADU shall not exceed 50-percent of the existing primary dwelling or eight hundred fifty (850) square feet, whichever is greater. The maximum floor area of an attached accessory dwelling unit is 50 percent of the existing primary dwelling unit's living area or 1,200 square feet, whichever is larger. However, irrespective of the primary dwelling unit size, a minimum size of 850 square feet shall be permitted and, when the accessory dwelling unit provides one or more bedrooms, the minimum permitted size shall be 1,000 square feet.~~
- 4.5. ~~The maximum floor area of a JADU internal to the primary structure shall be no more than 500 square feet.~~
6. No passageway shall be required in conjunction with the construction of an accessory dwelling unit. However, accessory dwelling units attached to single-family dwellings shall have independent, exterior access and side and rear setbacks sufficient for fire and safety.

EF. Parking.

1. No off-street parking is required for accessory dwelling units.
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 accessory dwelling unit, there is no replacement requirement.

FG. Rental or Sale of Unit. An accessory dwelling unit may be rented, although rental is not required. When rented for permanent tenure, the term shall be longer than 30 days. The accessory dwelling unit shall not be sold or otherwise conveyed separately from the main dwelling unit, except as provided at Government Code Section 65852.26.

GH. Proposed Primary Dwelling(s). No certificate of occupancy or final inspection shall be issued for an accessory dwelling units (ADUs and JADUs) until a primary dwelling unit has been issued such clearance on the subject parcel.

H. — Definitions.

1. ~~“Living area” means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or carport or an accessory structure. If a garage or carport is provided for the attached accessory dwelling unit, the calculation of the floor area of the accessory dwelling unit does not include the floor area of the garage or carport.~~
2. ~~“Multifamily building” means a building including two (2) or more dwelling units.~~
3. ~~“Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit. (Ord. 2020-06-09-1501 C.S. § 23; Ord. 2018-05-15-1502 § II; Ord. 001-08 C.S. § 23; Ord. 023-07 C.S. §§ 94, 95; prior code § 16-365.290)~~

I. Junior Accessory Dwelling Units. Each Junior Accessory Dwelling Unit (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 principal 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 interior door may be included for sound attenuation.
3. Each JADU is permitted to have a restroom and kitchenette as defined in Section 16.240.020.
4. One JADU is permitted per lot zoned for single-family dwellings that is developed or proposed to be developed with a single-family dwelling.
5. Additional parking is not required for a JADU.

SECTION XXXIII: AMENDMENT OF CODE

Title 16, Chapter 16.~~11680~~, Section 16.~~80.310~~16.040 of the Stockton Municipal Code (SMC) is amended to read, as follows:

16.116.040 Application filing, processing, and review.

- A. **Filing.** An application for an amendment 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).
- C. **Timing of Amendments.**
 1. **General Plan Amendments.**
 - a. ~~Four (4) Times a Year.~~ Amendments to the General Plan may be amended by the Council at any time, up to four (4) times per calendar year. ~~The General Plan may only be amended by the Council up to four (4) times in a single calendar year, during the months of January, April, July, and October.~~

~~b. — **Exceptions.** The Director shall confine the amendments to these months, except where the City Manager determines that there is a special circumstance which warrants substituting a different month.~~

2. **Development Code and Zoning Map Amendments.** Amendments to this Development Code and the Zoning Map may be made at anytime during the year.

D. Notice and Hearing.

1. Following Department review, public hearings shall be conducted by the Commission and Council.

2. Public noticing, and the conduct of the hearings, shall be in compliance with Chapter [16.88](#) (Review Procedures) for actions in which the Council is the Review Authority.

E. Effective Date. The effective date for an Amendment shall be in compliance with Section [16.92.090](#) (Effective date). ~~(Prior code § 16-510.040)~~

SECTION XXXIV: AMENDMENT OF CODE

Title 16, Chapter 16.120, Section 16.120.020 of the Stockton Municipal Code (SMC) is amended to read, as follows:

16.120.020 Applicability.

A. Types of Projects. The following list identifies the types of projects that are subject to the City’s design review process.

1. Residential Development.

a. New single-family tract development in a subdivision of five (5) or more parcels. (These projects are subject to the design standards located in Section 3.01 (Single-Family Design Standards for New Tract Development) of the Citywide Design Guidelines Manual.)

b. New single-family infill projects located within special districts. (See Section 3.02 of the Citywide Design Guidelines Manual (Single-Family Residential Design Guidelines for Special Districts) for a list of, and a map illustrating, the special districts.)

c. Additions and exterior remodeling of single-family dwellings located within special districts visible from the public right-of-way.

d. New ~~multifamily~~ developments containing two (2) or more dwelling units.

e. Additions and exterior remodeling of existing multifamily ~~projects~~ dwellings.

f. Accessory structures greater than 120 square feet in special districts or as part of a multifamily project ~~greater than 120 square feet~~ that are visible from the public right-of-way.

2. Commercial Development.

a. New commercial development throughout the City, including special commercial districts (e.g., Downtown; Miracle Mile, or Channel area) and freeway corridors.

b. Additions and exterior remodeling of existing commercial development throughout the City that is visible from a public right-of-way or an internal circulation route.

- c. Accessory structures visible from a public right-of-way or an internal circulation route.
- 3. **Business Park and Industrial Development.**
 - a. New business park and light industrial development throughout the City.
 - b. Additions and exterior remodeling of existing business park and industrial development throughout the City that is visible from a public right-of-way or an internal circulation route.
 - c. Accessory structures visible from a public right-of-way or an internal circulation route.
- 4. **Signs.**
 - a. New on-site signs throughout the City.
 - b. New off-site signs throughout the City.
- B. **Use of Design Guidelines.**
 - 1. **Adopted Design Guidelines.** The Review Authority shall refer to the City of Stockton Citywide Design Guidelines (Guidelines) and other design guidelines that have been adopted by the Council in order to provide guidance to applicants seeking to comply with the requirements of this chapter.
 - 2. **To Be Used by Property Owners and Design Professionals.** The design guidelines are to be used by property owners, architects, designers, developers, and landscape architects in the planning and design of projects in the City.
 - 3. **To Be Used as Review Criteria.** The design guidelines are to be used by City staff, the Director, Architectural Review Committee (“ARC”), Cultural Heritage Board, ~~Redevelopment Commission~~, Commission, and Council as adopted criteria for the review of development proposals subject to the requirements of this chapter. (~~Ord. 002-06 C.S. § 1; prior code § 16-515.020~~)

SECTION XXXV: AMENDMENT OF CODE

Title 16, Chapter 16.130, Section 16.130.050 of the Stockton Municipal Code (SMC) is amended to read, as follows:

16.130.050 Emergency.

In circumstances where the condition of a heritage tree poses an imminent threat to public health, safety, or welfare requiring immediate removal, as determined by the Director, a public hearing in compliance with Section 16.130.030 (Permit) shall not be required; a permit to remove the heritage tree, signed by the Director, shall be obtained prior to the removal of the heritage tree. In such case where a person has been granted a permit for an emergency removal, payment of the permit fee shall not be required. Emergency removals do not require replacement. (~~Ord. 015-09 C.S., eff. 12-3-09~~)

SECTION XXXVI: AMENDMENT OF CODE

Title 16, Chapter 16.152, Section 16.152.010 of the Stockton Municipal Code (SMC) is amended to read, as follows:

16.152.010 Purpose of chapter.

This chapter is intended to provide a review procedure for proposed development projects to:

- A. **Expediency.** Ensure that proposed projects comply with the applicable requirements before time and money have been spent preparing building plans in order to expedite the building permit process.
- B. **Certainty.** Increases the applicant’s certainty during the 12 months the site plan review is valid.
- C. **Consistency.** Review any proposed development for consistency with:
 - 1. The general land uses, goals, objectives, implementation programs, and policies of the General Plan and any applicable specific plan or master development plan; and
 - 2. The requirements, standards, and provisions of the following;
 - a. The Municipal Code;
 - b. This Development Code;
 - c. The ~~Uniform Building Code~~ California Building Standards Code; and
 - d. The City’s standard specifications and plans.
- D. **Protection.** Protect the integrity and character of the residential, commercial, and industrial zoned areas of the City;
- E. **Adequate Review.** Ensure adequate review and comment on any development project, which may potentially affect the community, and protect the integrity of each land use district;
- F. **Placement.** Encourage the orderly placement of structures within the City along with associated facilities, landscaping, parking areas, signs, and streets;
- G. **Interdependency.** Recognize the interdependence of land values and the appropriate development and layout of a site and provide a method by which the City may strengthen this interdependence; and
- H. **Discourage Adverse Impacts.** Ensure that new development, including single-family residential, commercial, and industrial, builds on the City’s traditional character and does not result in an adverse aesthetic, health, or safety impact upon existing adjoining properties, or the City in general. (Prior code § 16-555.010)

SECTION XXXVII: AMENDMENT OF CODE

Title 16, Chapter 16.152, Section 16.152.030 of the Stockton Municipal Code (SMC) is amended to read, as follows:

16.152.030 Applicability.

The Director shall review projects for the appropriate and efficient layout of a site as an integral part of the development approval process.

A. **Requires a Building Permit.** Each project that requires approval of a building permit, unless exempted by Section 16.152.040 (Exemptions), shall require review and approval of a site plan review by the Director before:

1. The issuance of a building permit;
2. The commencement of any work to construct or erect a new structure or improvement; or
3. The alteration, enlargement, remodeling, repair, or other change to the exterior of an existing structure or improvement.

B. **Change in Use.** Each project that proposes to change an existing use to a different use of a structure, as defined in this Development Code, shall require that site plan review be completed and granted before the use of the structure is initiated.

C. **Change in Occupancy.** Each project that proposes to change the occupancy of a building from the existing occupancy, as defined in the California Building Standards Code~~Uniform Building Code~~, shall require that site plan review be completed and granted before the building is occupied. ~~(Prior code § 16-555.030)~~

SECTION XXXVIII: AMENDMENT OF CODE

Title 16, Chapter 16.152, Section 16.152.040 of the Stockton Municipal Code (SMC) is amended to read, as follows:

16.152.040 Exemptions.

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

1. **Development Permits.** Projects requiring a land development permit in compliance with Chapter 16.136 (Land Development Permit);
2. **Use Permits.** Projects requiring a use permit in compliance with Chapter 16.168 (Use Permit);
3. **Planned Development Permits.** Projects obtaining a planned development permit in compliance with Chapter 16.144 (Planned Development Permits);
4. **Exterior Improvements.** Exterior alterations, except for a change in use or a change in occupancy under the City's adopted California Building Standards Code~~Uniform Building Code~~, that do not involve a change in the foot-print of ~~the~~an existing structure, or affect on-site parking or circulation;
5. **Fences and Walls.** Standalone fences and walls no more than six (6) feet in height that are independent of any other use or structure and not a retaining or sound wall;
6. **Interior Improvements.** Alterations, repairs, or other changes to the interior of an existing structure, except for a change in use or a change in occupancy under the City's adopted California Building Standards Code~~Uniform Building Code~~;

7. **Maintenance and Replacement.** Maintenance of a structure and its environment or replacement-in-kind that is of the exact same size and in the exact same location;
 8. **Residential Developments.** A residential development containing single-family, duplex, or triplex dwelling units; and
 9. **Minor Nonresidential Projects.** A nonresidential project which does not involve more than a 10 percent expansion of the existing primary structure, does not adversely impact circulation or increase the required number of parking spaces by more than 10 percent, and does not result in the need for public right-of-way dedication or improvement.
- B. **Optional Review.** Site plan review shall be available for exempt projects if requested by the applicant. ~~(Prior code § 16-555.040)~~

SECTION XXXIX: AMENDMENT OF CODE

Title 16, Chapter 16.152, Section 16.152.050 of the Stockton Municipal Code (SMC) is amended to read, as follows:

16.152.050 Application filing, processing, and review procedures.

- A. **Application.** The site plan shall be prepared in compliance with the Department handout for site plan review.
- B. **Initial Review.** Each application shall be reviewed by the Director to ensure that the application is consistent with this Development Code and the purpose and intent of this chapter.
- C. **Application Review.** After the proposed site plan has been deemed complete, the Director shall submit the proposed site plan to the Site Plan Review Committee for their review and recommendation:
 1. **Factors to be Considered.** Conduct a review of the location, design, site plan configuration, and effect of the proposed development by comparing the project's plans to:
 - a. The requirements and standards in the Municipal Code;
 - b. Required locational and developmental standards identified in this Development Code, including applicable standards for specific land uses in Chapter 16.80 (Standards for Specific Land Uses);
 - c. Requirements of the City's ~~California Building Standards Code~~ Uniform Building Code; and
 - d. The City's standard specifications and plans.
 2. **On-Site Review.** The review may include on-site inspection of the subject parcel, if deemed necessary by the Director.
 3. **Site Plan Review Committee.** After review of the proposed site plan, the Site Plan Review Committee shall make one of the following recommendations to the Director:
 - a. **In Compliance.** The proposed site plan is in compliance with the requirements of this chapter and should be granted (signed and stamped);

- b. **Very Minor Corrections.** The proposed site plan would be in compliance with the requirements of this chapter with very minor corrections, which shall be identified on the site plan and should be granted (signed and stamped);
 - c. **Minor Corrections.** The proposed site plan needs to be revised and resubmitted to the Department to verify the revisions, at which time it should be granted (signed and stamped); or
 - d. **Major Corrections.** The proposed site plan needs to be revised and resubmitted for review by the Site Plan Review Committee in compliance with this section.
4. **Director’s Action.** The Director shall either:
- a. Issue the signed and stamped site plan, based on the recommendation of the Site Plan Review Committee; or
 - b. Require additional revision of the site plan in compliance with subsection (C)(3) of this section (Site Plan Review Committee).
5. **Ministerial Action.** Site plan review approval is a ministerial action that is not subject to Section 16.88.040 (Environmental determination). (~~Ord. 023-07 C.S. § 114; prior code § 16-555.050~~)

SECTION XL: AMENDMENT OF CODE

Title 16, Chapter 16.188, Section 16.188.100 of the Stockton Municipal Code (SMC) is amended to read, as follows:

16.188.100 Post approval procedures.

The following procedures shall apply following the approval of a tentative map or tentative parcel map.

- A. **Appeals.** The decision of the Review Authority shall be considered final unless an appeal is filed in compliance with Chapter 16.100 (Appeals).
- B. **Time Limits and Expiration of Approved Tentative Map.** An approved tentative map or tentative parcel map is valid for 24 months after its effective date (Section 16.188.090), except as otherwise provided by the Map Act (Sections 66452.6, 66452.11, and/or 66452.13).
 - 1. At the end of 24 months, the approval shall expire and become void unless:
 - a. A parcel or final map, and any required bonds and improvement agreements, have been filed with the City Engineer in compliance with Chapter 16.192 (Parcel Maps and Final Maps); or
 - b. An extension of time has been granted in compliance with subsection C of this ~~section~~Section.
 - 2. Expiration of an approved tentative map or tentative parcel map or vesting tentative map or vesting tentative parcel map shall terminate all proceedings. A new tentative map or new tentative parcel map application shall be filed for any future division of the property.
- C. **Extensions of Time for Tentative Maps and Tentative Parcel Maps.** When a developer has not completed all tentative map or tentative parcel map conditions of approval and filed a parcel or final map with the City within the time limits established by subsection (B)(1) of this section, an

extension of the expiration date may be granted in compliance with this ~~section~~Section. Extension requests shall be in writing and shall be filed with the Department on or before the date of expiration of the approval or previous extension, together with the required filing fee.

1. **Tentative Maps or Tentative Parcel Maps and Vesting Tentative Maps or Vesting tentative Parcel Maps.** The Commission (in the case of a tentative map) or the Director (in the case of a tentative parcel map) may:

a. Grant 12-month extensions to the initial time limit, up to a maximum total of ~~five~~ ~~(5)-six~~ (6) years, only after finding that:

i. There have been no changes to the provisions of the General Plan or any applicable specific plan, precise road plan, or master development plan that would cause the tentative map or tentative parcel map or vesting tentative map or vesting tentative parcel map to no longer be in conformity with the General Plan, specific plan, or master development plan;

ii. There have been no changes to the provisions of this Development Code that would cause the tentative map or tentative parcel map to no longer be in conformity with this Development Code;

iii. There have been no changes in the character of the site or its surroundings that affect how the policies of the General Plan or other standards of this Development Code apply to the project; and

iv. There have been no changes to the capacities of community resources, including roads, schools, sewage treatment or disposal facilities, or water supply, so that there is no longer sufficient remaining capacity to serve the project.

b. In granting an extension, add, modify, or eliminate conditions of the approved tentative map.

2. **Tentative Maps With Multiple Final Maps.** The following provisions regarding automatic extensions of time, or later enacted State law provisions that supercede the following, shall apply.

a. Where a developer has expended funds outside the boundaries of the approved tentative map in compliance with the Map Act (Section 66452.6), each filing of a final map shall extend the expiration of the tentative map by an additional 36 months from the date of its expiration, or the date of the previously filed final map, whichever is later.

b. The total of automatic extensions under this section shall not extend the approval of the tentative map more than 10 years from its original approval. the total discretionary extensions under subsection (C)(1) of this section (Tentative maps and vesting tentative maps) plus the total automatic extensions under subsection(C)(2) of this ~~section~~Section. (Tentative maps with multiple final maps) authorize a maximum life of 15 years for a tentative map.

D. **Amendments to Approved Tentative Map or Tentative Parcel Map or Conditions.** A developer may request amendments to an approved tentative map or tentative parcel map or its conditions of approval before recordation of a parcel or final map in compliance with this ~~section~~Section. changes to a parcel or final map after recordation are subject to Section 16.192.050 (Amendments to recorded maps).

1. **Types of Amendments.**

a. **Amendments in Substantial Compliance With the Tentative Map or Tentative Parcel Map.** Changes determined by the Director to be in substantial compliance with the tentative map shall not require an amendment to the tentative map or tentative parcel map, and shall be processed following the procedures for final or parcel maps in compliance with Chapter 16.192 (Parcel Maps and Final Maps).

b. **Minor Amendments.** Minor amendments to an approved tentative map or tentative parcel map or minor amendments to conditions of approval may be approved by the Director by filing an application and filing fee with the Department, if:

- i. The amendments are consistent with the intent of the original tentative map or tentative parcel map approval; and
- ii. There are no resulting violations of the Municipal Code.

c. **Other Amendments to a Tentative Map or Tentative Parcel Map and/or Conditions.** Other amendments to an approved tentative map or tentative parcel map or amendments to the conditions of approval of an approved tentative map or tentative parcel map shall require the filing and processing of a new tentative map or tentative parcel map in compliance with this chapter and the requirements below.

2. **Procedure for Filing an Amendment.**

a. **Application for Tentative Map or Tentative Parcel Map Amendments.** The developer shall file an application and filing fee with the Department, using the forms furnished by the Department, together with the following additional information:

- i. A statement identifying the tentative map or tentative parcel map number, the features of the map or particular conditions to be changed and the changes requested, the reasons why the amendment is requested, and any facts that justify the changes; and
- ii. Any additional information deemed appropriate by the Director.

b. **Findings for Approval.** The Review Authority shall not amend the approved tentative map or tentative parcel map or conditions of approval unless it shall first find that:

- i. There was a material mistake of fact in the deliberations leading to the original approval; and
- ii. There has been a change of circumstances related to the original approval.

3. **Effect of Changes on Time Limits.** Approved amendments to an approved tentative map or tentative parcel map or conditions of approval shall not be considered as approval of a new tentative map, and shall not extend the time limits of the original, approved tentative map provided by subsection B of this section (Time limits and expiration of approved tentative map).

E. **Approved Map to Run With the Land.** A tentative map or tentative parcel map that is valid and in effect, and was granted in compliance with the provisions of this Development Code, shall run with the land and continue to be valid if there is any change in ownership of the land. (~~Prior code § 16-630.100~~)

SECTION XLI: AMENDMENT OF CODE

Title 16, Chapter 16.196, Section 16.196.030 of the Stockton Municipal Code (SMC) is amended to read, as follows:

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](#)~~Uniform Building 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. **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 Section 16.80.120 (Condominium conversions).

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.

E. **Tenant and Buyer Protection.**

1. **Moving Assistance.** Every elderly or handicapped tenant, or families with school age children, or families in the ~~low or moderate income~~ 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 tenant's 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.

F. **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.

G. **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.

H. **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. 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 XLII: AMENDMENT OF CODE

Title 16, Chapter 16.240, Section 16.240.020 of the Stockton Municipal Code (SMC) the following definitions are added to read, as follows:

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.

† Co-Living (Dwelling Unit Facility) (Land Use). See Section 16.80.225 Co-Living Facilities.

Density Bonus. See Section 16.40.030 Definitions.

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.

Junior Accessory Dwelling Unit (JADU). See Section 16.80.310 Accessory dwelling units.

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. A Low Barrier Navigation Center development is a use by right in Special Purpose or

Commercial Zoning Districts permitting multifamily dwellings, upon compliance with the provisions of Government Code Section 65660 et seq.

SECTION XLIII: AMENDMENT OF CODE

Title 16, Chapter 16.240, Section 16.240.020 of the Stockton Municipal Code (SMC) the following definitions are amended to read, as follows:

Accessory Dwelling Units. ~~See Section 16.80.310 Accessory dwelling units. An attached or a detached residential dwelling unit which provides complete independent living facilities for one (1) or more persons. If detached, may be a tiny home (permanent). It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as a single family dwelling unit is situated; further accessory dwelling units are as defined in California Government Code Section 65852.2.~~

† **Lodging Facilities (Land Use).** Facilities that provide temporary shelter. Includes:

1. **Bed and Breakfast Inns (Land Use).** Residential structures with one (1) 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”).
2. **Extended-Stay Facilities (Land Use).** Facilities with guest rooms or suites, provided with or without meals or kitchen facilities, rented to the general public for long periods of time (more than 30 days). Includes apartment-hotels, residential hotels.
3. **Co-Living (Lodging Facility).** ~~See Section 16.80.225 Co-Living Facilities. Single Room Occupancy Facilities (SRO) (Land Use). A housing type consisting of one (1) room, often with cooking facilities and with private or shared bathroom facilities.~~
4. **Hotel or Motel (Land Use).** Facilities with guest rooms or suites, provided with or without meals or kitchen facilities, rented to the general public for overnight or other temporary lodging (less than 30 days). These facilities may typically include a variety of services in addition to lodging, including restaurants, meeting facilities, personal services, and other accessory guest facilities including swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, etc. Includes adult hotels/motels which shall comply with the standards in Section [16.80.030](#) (Adult-related establishments).

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.

† **Rooming and/or Boarding Houses (Land Use).** A residence or dwelling structure, or part thereof wherein ~~three-five (35)~~ or more rooms, with or without individual or group cooking/dining facilities, are rented to individuals under separate rental agreements or leases, either written or oral, whether or not an owner, agent, or rental manager is in residence. This definition also applies wherein there is only one (1) rental agreement or lease and ~~three-five (35)~~ or more individuals sign the same agreement or subleases and rent is paid separately by each of the individuals. Does not include alcohol recovery/treatment facilities, health care facilities, or residential care facilities, ~~the rental of a single family dwelling or the rental of one (1) or two (2) rooms within a single family dwelling (“Single family dwelling”)~~.

† **Single-Family Dwellings (Land Use).** A freestanding residential building designed for and/or occupied exclusively by one (1) living unit that includes one (1) 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 ~~Uniform Building Code (UBC)~~ and mobilehomes/manufactured housing on permanent foundations. May also include living quarters without kitchen facilities for domestic employees (maid, etc.). Does not include “Rooming and/or boarding houses.”

† **Social Services Facilities (Land Use).** Establishments providing assistance and aid to those persons requiring counseling and/or treatment for psychological problems, addictions, learning disabilities, and or physical disabilities or to those persons in need of food and/or shelter.

1. **Drug Abuse, Alcohol Recovery/Treatment Facilities (Land Use).** Establishments that provide assistance, counseling, and/or medical treatment for those persons dependent upon alcohol or drugs. Does not include one-on-one counseling and weight loss and smoking clinics and facilities (“Offices”); drug treatment facilities (“Medical Services—Medical-Related Facilities”).
2. **Emergency Shelters (Land Use).** Housing with minimal support services for homeless persons that is limited to occupancy of six (6) months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.
3. **Feeding Centers (Land Use).** Any place where food is served or dispensed and the operation is conducted as a nonprofit, charitable operation, including mission feeding centers, soup kitchens, church organization food outlets, and charitable rehabilitation centers.
4. ~~— **Transitional Housing (Land Use).** A public or private building which provides, for an extended period of time, a structured living environment which may include sober or drug free living with social services and/or counseling or other programs to assist the homeless, parolees, recovering alcoholics/drug users, and/or substance abusers in their transition to self-sufficiency. Includes halfway houses. Does not include battered women’s shelters (“Rooming and/or Boarding Houses”) and interim incarceration facilities (“Public Institutions”).~~

Supportive Housing. Housing with no limit on the length of stay, that is occupied by the target population and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing is a use by right in Special Purpose or Commercial Zoning Districts permitting multifamily dwellings, upon compliance with the provisions of Government Code Section 65650 et seq. units are residential uses permitted in all zones allowing residential uses, subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone. “Supportive services” shall have the same meaning as defined in Government Code Section 65582. “Target population” shall have the same meaning as defined in Section 50675.14 of the Health and Safety Code. “Use by right” shall have the same meaning as defined in subdivision (i) of Government Code Section 65583.2.

Transitional Housing. Rental housing operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six (6) months. Transitional housing units are residential uses permitted in all zones allowing residential uses, subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone. 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. (Gov. Code, § 65582, subd. (j).) -Transitional housing programs provide extended shelter and supportive services for homeless individuals and/or families with the goal of helping them live independently and transition into permanent housing. Transitional housing is considered to be a “dwelling” in the individual zone chapters

SECTION XLIV: AMENDMENT OF CODE

Title 16, Chapter 16.240, Section 16.240.020 of the Stockton Municipal Code (SMC) the following definitions are rescinded as follows:

~~Density Bonus Housing Agreement.~~ ~~A legally binding agreement between an owner/developer and the City to ensure that the requirements of Chapter 16.40 (Affordable Housing Incentives/Density Bonus Provisions) are satisfied.~~

~~Density Bonus Units.~~ ~~The residential units granted in compliance with the provisions of Chapter 16.40 (Affordable Housing Incentives/Density Bonus Provisions) which exceed the otherwise maximum residential density for the development site.~~

~~Gross Acres.~~ ~~The entire acreage of a site. Gross acreage is calculated to the centerline of proposed bounding streets and to the edge of the right-of-way of existing or dedicated streets.~~

~~Housing Cost.~~ ~~For the purpose of density bonuses, Chapter 16.40 (Affordable Housing Incentives/Density Bonus Provisions), housing cost means the sum of actual or projected monthly payments for all of the following items associated with for sale target units: principal and interest on a mortgage loan, including any loan insurance fees; property taxes and assessments; fire and casualty insurance; property maintenance~~

~~and repairs; homeowner association fees; and a reasonable allowance for utilities. Housing Development. For purposes of density bonus (Chapter 16.40), residential projects consisting of five (5) or more residential units, including single family, multifamily, and mobilehomes for sale or rent.~~

~~**Incentive.** The benefit offered by the City to facilitate construction of eligible projects as defined by the provisions of Chapter 16.40 (Affordable Housing Incentives/Density Bonus Provisions), including fee deferments, adjustment of standards, and relaxation of otherwise applicable permit conditions, as well as, provisions for mixed use activities.~~

~~**Nonrestricted Unit.** For purposes of density bonuses (Chapter 16.40), all units within a housing development excluding the target units.~~

~~**Single Room Occupancy Facilities (SRO).** See “Lodging facilities.”~~

SECTION XLV: 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.

SECTION XLVI: EFFECTIVE DATE

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

ADOPTED: _____

EFFECTIVE: _____

ATTEST:

MICHAEL D. TUBBS
Mayor of the City of Stockton

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