

Resolution No.

STOCKTON PLANNING COMMISSION

RESOLUTION RECOMMENDING THE CITY COUNCIL APPROVE AN AMENDMENT TO TITLES 15 AND 16 OF THE STOCKTON MUNICIPAL CODE TO COMPLY WITH STATE LAW (SENATE BILL 5) RELATED TO FLOODPLAIN MANAGEMENT AND DEVELOPMENT IN 200-YEAR FLOODPLAINS

The Central Valley Flood Protection Act of 2008 (Chp. 364, Stats. 2007), commonly referred to as SB 5, contained provisions requiring local agencies to incorporate flood risk considerations into land use planning; and

SB 5 requires each city and county within the Sacramento-San Joaquin Valley, including charter cities like Stockton, to amend its general plan by July 2, 2015 to include data and analysis from the State's Flood Protection Plan and goals and policies for the protection of lives and property that will reduce the risk of flood damage from a 200-year flood event; and

Additionally, SB 5 requires each of those cities and counties to amend its zoning ordinance to be consistent with its general plan within 12 months of amending its general plan (Government Code Section 65860.1); and

In accordance with the law, Stockton completed its SB 5 required General Plan amendment on June 23, 2015; and

As a result, the 12-month period to complete the mandated zoning ordinance amendment ends on June 23, 2016; and

City staff prepared and is recommending an amendment to Title 16 that addresses revisions necessary to comply with SB 5; and

The Planning Commission is authorized by Section 16.212.040 of the Stockton Municipal Code (SMC) to review and make a recommendation to the Council to amend the provisions of Title 15 and Title 16 related to floodplain management and development in 200-year floodplains; and

The code amendment will bring the City into compliance with Senate Bill 5; now, therefore:

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF STOCKTON AS FOLLOWS:

1. The Planning Commission of the City of Stockton, in accordance with Section 16.116.050B, finds and determines:

A. The proposed amendment of the SMC's provisions for floodplain management is consistent with applicable General land uses, objectives, policies, programs, and actions of all elements of the General Plan on balance and will not create any inconsistencies with the Development Code. The proposed amendment will serve to comply with Senate Bill 5 and be consistent with the following General Plan goals and policies:

- i HS-6.1 New Urban Development. The City shall regulate new urban development within floodplains in accordance with State and Federal requirements. Specifically, the City shall comply with Federal requirements pertaining to 100-year level of flood protection and State requirements for 200-year level of flood protection, where applicable.
- ii HS-6.2 Existing Urban Development. The City shall investigate, and implement when feasible, mitigation measures that offer protection from flooding for existing urban development in flood prone area. Also, the City shall strive to achieve 200-year level of flood protection for developed areas, where feasible.
- iii HS-6.3 Preservation of Floodway and Floodplains. The City shall preserve floodways and floodplains for non-urban uses in an effort to maintain existing flood carrying capacities, except that development may be allowed in a floodplain with mitigation measures that are in conformance with the City's floodplain management program.

B. The proposed amendment will amend Titles 15 16 of the SMC to address floodplain management and development in 200-year floodplains, including Section 15.44.040, "Definitions;" and adding Section 15.44.135, "Construction or development in a flood hazard zone;" Section 16.20.020, Table 2-2, "Allowable Land Uses and Permit Requirements;" Section 16.36.110, "Setback regulations and exceptions;" and adding Chapter 16.90 "Floodplain Management Findings." The 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, because the amendment will bring the City into compliance with Senate Bill 5 and result in an extra level of development review and management in the 200-year floodplain area.

C. The proposed SMC amendments are exempt from the California Environmental Quality Act (CEQA) under the "general rule" that CEQA applies only to projects that have the potential for causing significant environmental effects, as specified in Section 15061(b)(3). Approval of the required amendments will bring the City into compliance with Senate Bill 5 and constitutes an administrative action that will not result in direct or indirect physical changes in the environment, and any future projects that would rely on these amendments, will require further case-specific environmental review under CEQA.

D. The proposed amendments address flood plain management and establishment of findings for development within 200-year floodplains in several areas of Titles 15 and 16 and are internally consistent with other applicable provisions of the Development Code.

2. The Planning Commission hereby recommends that the City Council adopt an amendment to Title 15, Chapter 15.44, Section 15.44.040 and Chapter 15.44, adding Section 15.44.135; and Title 16, Chapter 16.20, Section 16.20.020; Chapter 16.36, Section 16.36.110; and adding Chapter 16.90 to the SMC related to floodplain management and development in 200-year floodplains as set forth in Exhibit 1, attached hereto and incorporated by this reference.

PASSED, APPROVED and ADOPTED: May 12, 2016.

AYES:

NAYS:

ABSENT:

KEVIN HERNANDEZ, CHAIR
CITY OF STOCKTON PLANNING COMMISSION

ATTEST:

DAVID KWONG, SECRETARY
CITY OF STOCKTON PLANNING COMMISSION

ORDINANCE NO.

AN ORDINANCE AMENDING TITLE 15, CHAPTER 15.44, SECTION 15.44.040 AND ADDING SECTION 15.44.135; AMENDING TITLE 16, CHAPTER 16.20, SECTION 16.20.020, AND CHAPTER 16.36, SECTION 16.36.110, AND ADDING CHAPTER 16.90 TO THE STOCKTON MUNICIPAL CODE RELATED TO FLOODPLAIN MANAGEMENT AND DEVELOPMENT IN 200-YEAR FLOODPLAINS

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

SECTION I. FINDINGS AND INTENT

The City Council of the City of Stockton finds that the current Stockton Municipal Code provisions for floodplain management require amendment in order to comply with state law (Senate Bill 5).

The City Council finds that an amendment which addresses specific requirements for floodplain management identified in the state law will bring the city into compliance.

SECTION II: AMENDMENT OF CODE

Title 15, Chapter 15.44, Section 15.44.040 "Definitions" is hereby amended by adding the following definition for "Flood hazard zone", and shall read as follows:

"Flood hazard zone" means an area subject to flooding that is delineated as either a special hazard area or an area of moderate hazard on an official flood insurance rate map issued by FEMA. The identification of flood hazard zones does not imply that areas outside the flood hazard zones, or uses permitted within flood hazard zones, will be free from flooding or flood damage.

SECTION III: AMENDMENT OF CODE

Title 15, Chapter 15.44, Section 15.44.135 is hereby added to the Stockton Municipal Code and shall read, as follows:

15.44.135 Construction or development in a flood hazard zone.

A. The review authority specified in Title 16 must make one of the findings in Chapter 16.90 prior to approving a ministerial permit that would result in the construction of a new residence within a flood hazard zone.

SECTION IV: AMENDMENT OF CODE

Title 16, Chapter 16.20, Section 16.20.020—Table 2-2 of the Stockton Municipal Code is hereby amended to read, as follows:

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

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS	
	RE	RL	RM	RH	CO	CN	CG	CD	CL	CA	IL	IG	PT	PF	OS		
AGRICULTURAL AND RESOURCE-RELATED USES																	
Agricultural activities & facilities	P											P	P		A	16.80.060	
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	P	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-scale manufacturing								P			P	P	P			16.80.170	
Laundries and dry cleaning plants											P	P	P			16.80.170	

Manufacturing											P	P	P			
Light											P	P	P			16.80.170
Heavy												A	P			16.80.170
Metal products fabrication, machine/welding shops											P	P	P			16.80.170
Petroleum storage and distribution												A	P			16.80.170
Printing and publishing								P		L	P	P	P	L		16.80.170

TABLE 2-2
ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT																SPECIFIC USE STANDARDS
	RE	RL	RM	RH	CO	CN	CG	CD	CL	CA	IL	IG	PT	PF	OS		
Recycling and waste facilities																	
Collection facility							L	L	L		P	P	P	L		16.80.290	
Redemption centers																	
Major							C	C	C		C	C	C	C		16.80.290	
Minor							A	A	A		A	A	A	A		16.80.290	
Recycling facility												A	P	A		16.80.290	
Scrap and dismantling yards												A	P			16.80.170	
Transfer stations												C	P	A		16.80.290	
Research and 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	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	A	A	A	A	A		A	A	A								
Academic schools—Public	P	P	P	P											P		
Colleges and universities—Private		C			C												
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			
Outdoor assembly facilities							A	A	A					L			

TABLE 2-2
ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT	SPECIFIC USE STANDARDS
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Attachment D
EXHIBIT 1

	RE	RL	RM	RH	CO	CN	CG	CD	CL	CA	IL	IG	PT	PF	OS	
Outdoor commercial recreation facilities							C	C	C	C	C			A		
Parks and playgrounds	P	P	P	P	P	P	P	P						P	P	
Pool halls/billiard parlors								C	C	L						16.80.040,16.80.270
Private entertainment facilities							C	C	C		C					
Private residential recreation facilities	A	A	A	A												16.80.030,16.80.270
Recreational vehicle parks							A	A			A			L		
Religious facilities	A	A	A	A	P	P	P	P	P	P	P			L		16.80.080
Studios					P	P	P	P	P	L						

RESIDENTIAL USES

Caretaker and employee housing					P	P	P	P	P	P	P	L	L	L	L	
Dwelling group			P	P		P		P						L		
Duplexes		P	P	P				P						L		16.24.040
Mobilehome parks		A	A	A			A	A								16.80.210
Multifamily dwellings			P	P	P	P	P	P						L		16.80.220
Organizational houses				A				A								
Residential care facilities																
Assisted living facilities	A		C	P	P	P	P	P						L		16.80.300
Care homes, 6 or fewer clients		P	P	P				P						P		
Family care homes, 7 or more clients	C			C				C						L		16.80.300
Senior care facilities, 7 or more clients			A	A	A			A						L		16.80.300
Rooming and boarding houses				A				A						L		
Senior residential projects			P	P	P	P	P	P						L		16.80.220
Single-family dwellings	P	P	P	P				P						L		
Townhouses		A	P	P	P	P	P	P						L		
Triplexes			P	P				A						L		

RETAIL TRADE

Agricultural chemical sales											A	L	P			16.36.080
Alcoholic beverage sales																
Bars and nightclubs—On-sale						C	C	C	C							16.80.270
Sale of alcohol—Off-sale						C	C	C	C				C	C		16.80.040
With another use—On-sale						L	L	L	L				L	L		
Artisan shops					P	P	P	P	P	L	P					
Auto and vehicle sales—New								L		P						16.24.120,16.80.070,16.80.330
Auto and vehicle sales—Used							L			A	L					16.24.120,16.80.070,16.80.330
Auto and vehicle leasing/rental							A	L		A	L					16.80.070
Auto parts sales						P	P	P	P	A						

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

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS
	RE	RL	RM	RH	CO	CN	CG	CD	CL	CA	IL	IG	PT	PF	OS	
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
Mobilehome 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					P	P	P	P	P	P			P			16.80.330

Secondhand stores/pawn shops							A	A	A							
Shopping centers																
Neighborhood							P	P								16.80.330
Community							P	P								16.80.330
Regional								P	P							16.80.330
Warehouse retail stores							C	C	C							16.80.330

SERVICES

Adult day care facilities					P	P	P	P	P				A	L		
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			16.80.32016.80.340
Inoperable vehicle storage											L	L				
Maintenance/minor repair						A	P	P	P	P	P	P	P			16.80.320
Major repair/body work										P	P	P	P			16.80.340
Parking facilities		C	C	C	A	A	P	P	P	P	P		P	L		16.64.080
Vehicle storage								L		P	P	P	P	P	L	
Child care facilities																
Child care centers	C	C	C	C	A	P	P	P	P	P			P	P		16.80.100
Large family child care homes	A	A	A	A	A	A	A	A						A		16.80.100
Small family child care homes	P	P	P	P	P	P	P	P						P		

TABLE 2-2
ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT										SPECIFIC USE STANDARDS					
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Attachment D
EXHIBIT 1

	RE	RL	RM	RH	CO	CN	CG	CD	CL	CA	IL	IG	PT	PF	OS	
Equipment rental								L	P	A	P		P			
Funeral facilities and services																
Cemeteries		C	C	C	C		C	C		C	C	C		C	C	
Mortuaries							C	C		C	A	A		A		
Funeral homes					A	A	A	A		A						
Health/fitness facilities						P	P	P	P	L						
Lodging facilities																
Bed and breakfast		C	C	C	P	P	P	P						A		16.80.090
Extended-stay facilities							P	P	P							
Single room occupancy facilities (SROs)							A	A								
Hotels and motels					P		P	P	P				P			
Massage establishment																16.80.190
State certified					P	P	P	P	P							
Non-certified						C	C	A	A							
Medical marijuana dispensaries																16.80.195
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		16.80.190
Hospitals					C		C	C						C		
Medical cannabis dispensaries							C		C		C	C				16.80.195
Medical-related facilities					P	P	P	P	P					P		
Personal services—Restricted						C	C	A	A							
Personal services—Unrestricted						P	P	P	P				P			
Personal storage facilities (mini-storage)							A		L	L	P	P	P			16.80.200
Repair services						P	P	P	P	P	P					

[illegible]

TRANSPORTATION AND COMMUNICATION USES

Broadcasting studios						P	P	P	P	A	P	P	P	P	L		
Communications facilities																	
Minor		E	E	E	P		P	P	P	P	P	P	P	P	P		Ch. 16.44
Major					A		A	A	A	A	A	P	P	A			Ch. 16.44
Transit stations and terminals							C	C			C	C	P	C			
Vehicle and freight terminals											P	P	P				

TABLE 2-2
ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS
	RE	RL	RM	RH	CO	CN	CG	CD	CL	CA	IL	IG	PT	PF	OS	

OTHER USES

Live-work space					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

SECTION V: AMENDMENT OF CODE

Title 16, Chapter 16.36, Section 16.36.110, Subsection A is hereby amended by adding the following:

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.

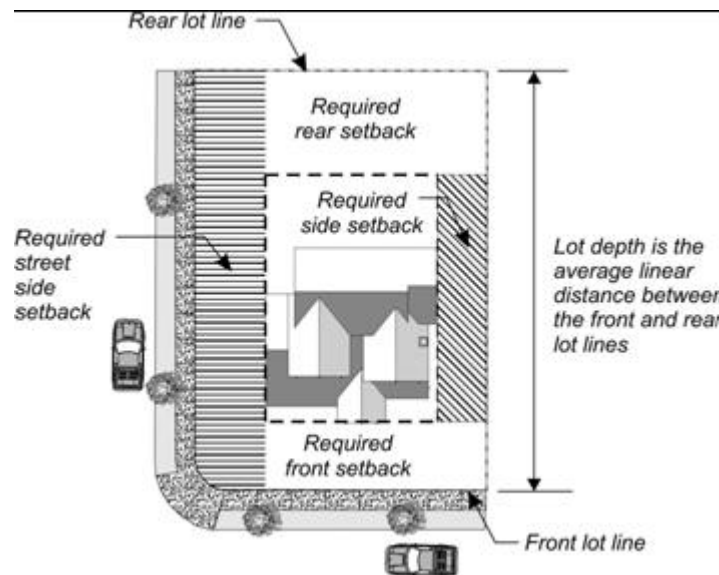


FIGURE 3-6 LOCATION AND MEASUREMENT OF SETBACKS

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.

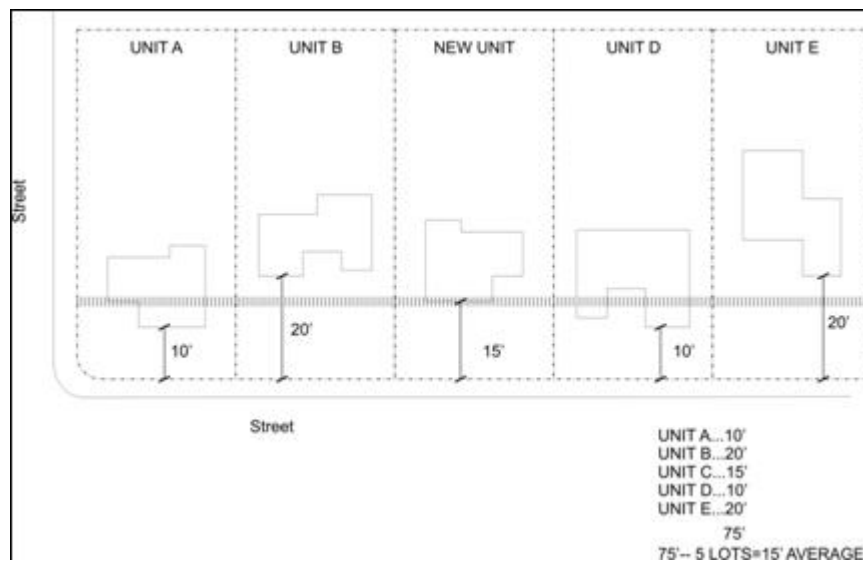


FIGURE 3-7 AVERAGING OF SETBACK REQUIREMENTS

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

1. **Front Yard Setbacks.**

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 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.

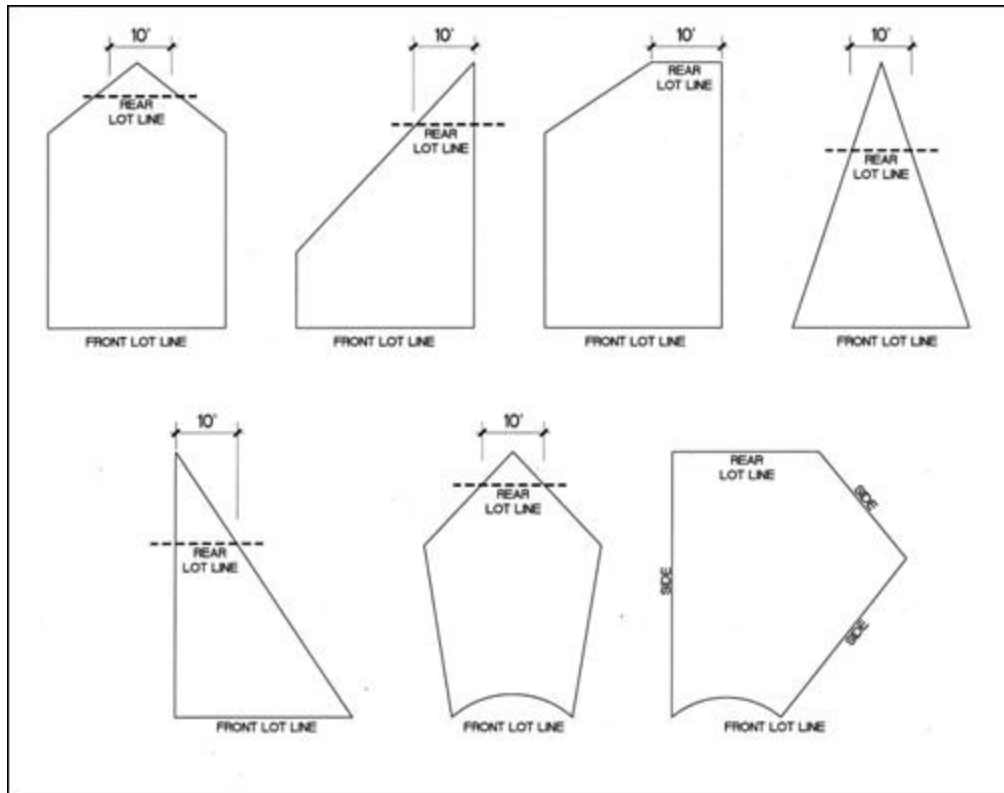


FIGURE 3-8 REAR YARD SETBACKS ON IRREGULARLY-SHAPED LOTS

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.

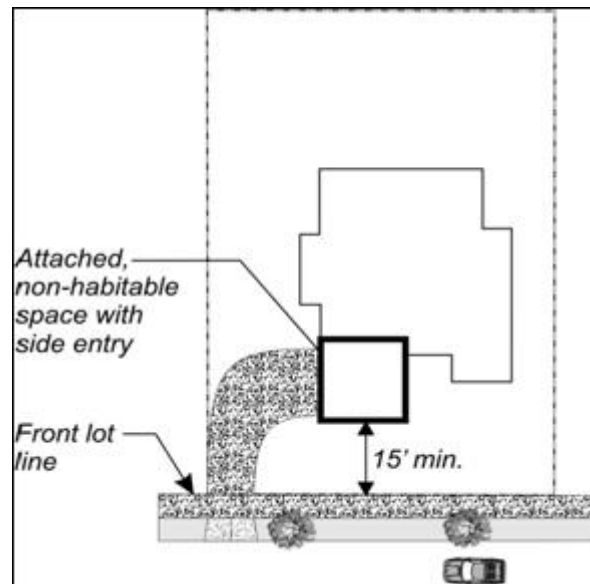


FIGURE 3-9 SIDE-ENTRY GARAGE SETBACK

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. 015-09 C.S., eff. 12-3-09; Ord. 023-07 C.S. §§ 21—24; prior code § 16-310.110)

SECTION VI: AMENDMENT OF CODE

Title 16, Chapter 16.90, is hereby added to the Stockton Municipal Code and shall read, as follows:

Chapter 16.90 FLOODPLAIN MANAGEMENT FINDINGS

16.90.010 Purpose of chapter.

The purpose of this chapter is to comply with provisions of state law that require the city to make specific findings prior to approving certain projects located within a flood hazard zone.

16.90.020 Development agreements, maps, permits and entitlements.

- A. The review authority specified in Title 16 shall not approve the execution of a development agreement, a tentative map or a parcel map for which a tentative map is not required or a discretionary permit or other discretionary entitlement under this Chapter that would result in the construction of a new building or construction that would result in an increase in allowed occupancy for an existing building, or issuance of a ministerial permit under Title 15 that would result in the construction of a new residence for property that is located within a flood hazard zone unless the review authority finds, based on substantial evidence in the record, one of the following:
1. The facilities of the State Plan of Flood Control or other flood management facilities protect the property to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in non-urbanized areas;
 2. The city has imposed conditions on a development agreement, map, permit, or entitlement that will protect the property to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in non-urbanized areas;
 3. The local flood management agency has made adequate progress (as defined in California Government Code section 65007) on the construction of a flood protection system that will result in flood protection equal to or greater than the urban level of flood protection in urban or urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in non-urbanized areas for property located within a flood hazard zone, intended to be protected by the system;
 4. The property in an undetermined risk area has met the urban level of flood protection;

5. The property is located in an area of potential flooding of three feet or less from a storm event that has a 1-in-200 chance of occurring in any given year, from sources other than local drainage, in urban and urbanizing areas; or
 6. The property is located within a watershed with a contributing area of 10 or fewer square miles in urban and urbanizing areas.
- B. The review authority's decisions shall be in accordance with criteria prepared by the Director that are consistent with accepted state and federal floodplain management practices.

SECTION VII: AMENDMENT OF CODE

Title 16, Chapter 16.240, Section 16.240.020 "Definitions of Specialized Terms and Phrases" is hereby amended by adding the following definition for Floodplain Management and shall read as follows:

Floodplain Management. The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans. This includes the following terms which shall have the same meanings as defined in California Government Code Section 65007.

1. Adequate Progress
2. Developed Area
3. Flood Hazard Zone
4. National Federal Emergency Management Agency Standard of Flood Protection
5. Nonurbanized Area
6. State Plan of Flood Control
7. Undetermined Risk Area
8. Urban Area
9. Urbanizing Area
10. Urban Level of Flood Protection

SECTION VIII. SEVERABILITY.

If any provision of this ordinance or the application thereof to any person or circumstance 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 IX. EFFECTIVE DATE.

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

ADOPTED: _____

EFFECTIVE: _____

ANTHONY SILVA
Mayor of the City of Stockton

ATTEST:

BONNIE PAIGE
City Clerk of the City of Stockton