

ORDINANCE NO.

ORDINANCE APPROVING MULTIPLE AMENDMENTS TO TITLE 16 OF THE STOCKTON MUNICIPAL CODE TO COMPLY WITH THE STOCKTON 2040 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

Pursuant to SMC Section 16.116.050(B), the City Council makes the following Mandatory Findings of Fact for All Amendments and Additional Findings for Development Code Amendments:

- a) The proposed Amendments ensure and maintain internal consistency with general land uses, objectives, policies, programs, and actions of all elements of the General Plan on balance and will not create any inconsistencies with this Development Code.

Evidence: The proposed amendments are consistent with the General Plan because Development Code changes are needed to implement GPLU Map changes that are needed to align existing uses (home, business), identify housing capacity (i.e., RHNA) sites, and ensure sustainable and orderly growth consistent with the General Plan policies. This alignment occurs mostly in historic neighborhoods near the downtown core, where many structures and land uses were established in the early 20th century. The proposed map changes specifically implement the following General Plan policies:

- Policy LU-2.2 Facilitate the development of at least 4,400 new housing units in the Greater Downtown by 2040.
- Policy LU-3.3 Maintain or expand the currently available public park and open space area in each neighborhood.
- Policy LU-6.1 Carefully plan for future development and proactively mitigate potential impacts.
- Policy LU-6.2 Prioritize development and redevelopment of vacant, underutilized, and blighted infill areas.
- Policies LU-6.6C and LU-6.6D require consistency between the Development Code and Zoning Map.

The proposed Development Code amendments will support map changes that further direct growth toward the Greater Downtown through additional commercial zoning (which allows residential development at up to 72 units/gross acre). Also, the proposed amendments will protect existing parks by designating them as parks instead of residential zoning and amend map designations resulting in more sustainable and equitable growth patterns by increasing compatible land uses (i.e., industrial away from housing).

The proposed amendments will not result in a physical change to the environment, but will instead align the zoning standards outlined in the Development Code with the GPLU Map and the Stockton Citywide Zoning Map. Future development will need to comply with all applicable development standards, including environmental, zoning, building, and fire regulations for health and safety.

Many industrial sites in the core of the city are proposed to change to commercial zones, increasing the allowable uses for these sites, while The Commercial-Industrial Overlay recognizes the industrial past of these areas, allowing some light industrial uses to initiate in these same areas. Generally, these changes provide the same level of, if not slightly more, development flexibility for property owners. Other recommendations include changes to accurately categorize some rights-of-way and open space areas that, to date, have been mapped as within adjacent zoning districts with standards that are not applicable for rights-of-way or open space.

Proposed Development Code amendments include administrative changes to clarify existing standards and processes or to codify existing land use (i.e., homes, businesses). The code amendment also includes additional allowable land uses; however, most of those new land uses require discretionary review, specific performance standards to minimize impacts and be reviewed on a case-by-case basis.

- b) 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 proposed Amendments are consistent with the General Plan because the City is required by State law to align Zoning and other regulatory tools with the General Plan. Alignment includes land use, community vision, programmatic use, and housing capacity defined by the Housing Element. General Plan Action items LU-6.6C and LU-6.6D seven require consistency between the Development Code and Zoning Map. Future development will need to comply with all applicable Zoning and development standards and all building and fire regulations for health and safety. Therefore, the proposed amendments are

consistent with the General Plan and will not endanger, jeopardize, or otherwise constitute a hazard to public health and safety.

- c) The proposed amendment complies with the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines.

Evidence: The proposed amendments are considered a discretionary "project" under the California Environmental Quality Act ("CEQA") and require analysis. An Addendum to the General Plan Environmental Impact Report ("GPEIR") is proposed pursuant to the CEQA Guidelines Section 15164 to address the proposed amendments to the Development Code. The GPEIR was prepared, and certified by the City Council as part of the Envision Stockton 2040 General Plan process (SCH# 2017052062). The GPEIR provides a programmatic review of the potential impacts associated with the implementation of the General Plan and General Plan Land Uses and includes Mitigation Measures based on those land uses. The Addendum to the GPEIR analyzes amendments to the GPLU Map, Zoning Map, and Development Code. These amendments are necessary to align the Zoning Map and Development Code with the General Plan for approximately 2,144 properties, about 2.6% of all properties currently within Stockton city limits (83,326 properties).

The General Plan contains land use, circulation, housing, noise, safety, conservation, open space, urban design, economic development, air quality, historic and cultural resources, infrastructure, services, and finance. The GPEIR addresses potentially significant impacts involving growth consistent with those policies and directs what development standards should apply to all development within the General Plan Planning Area. The General Plan EIR envisions the buildout of the City and includes analysis from urban areas for densities up to 108 units per acre and floor area ratios or 5.0.

None of the potential changes being considered by the City Council will impact the analysis or conclusions of the GPEIR or the Housing Element Negative Declaration (ND) as to the extent of the potential impacts and allowed density considered. The Housing Element relies on a Certified ND that assessed impacts of the Regional Housing Needs Allocation ("RHNA") established capacity sites. Since the proposed amendments are not changing development intensities set in the GPEIR or Housing Element ND, there are no new impacts beyond what was previously analyzed. Future development proposals based on the amended designations would be reviewed on a case-by-case basis for consistency with this review. That development will be subject to the appropriate Mitigation Measures contained in the GPEIR. According to CEQA Guidelines, Section 15164, the amendments are consistent with the conditions under which an Addendum to the Certified EIR is appropriate.

- d) The proposed amendment would be internally consistent with other applicable provisions of this Development Code.

Evidence: The Phase 3 Development Code amendment changes include a new commercial-industrial overlay, more allowable uses, and performance standards. In contrast, other changes include administrative changes to definitions, clarifications, refinement of existing processes or standards, and minor grammatical fixes. Proposed Development Code amendments include administrative changes to clarify existing standards and processes or to codify existing land use (i.e., homes, businesses). The code amendment also includes additional allowable land uses; however, most of those new land uses require discretionary review, specific performance standards to minimize impacts and be reviewed on a case-by-case basis.

The Development Code amendment will not result in a physical change to the environment or change the intensities proposed in the General Plan and will be internally consistent with other applicable provisions of this Development Code. Future development will still need to comply with all appropriate Zoning and development standards and all building and fire regulations for health and safety. Therefore, the proposed Development Code amendments are consistent with the General Plan and Development Code and will not endanger, jeopardize, or otherwise constitute a hazard to public health and safety.

SECTION II. AMENDMENT OF CODE

Title 16, Chapter 16.08, Section 16.08.020 of the Stockton Municipal Code (SMC) is amended to read, as follows:

16.08.020 Rules of interpretation.

A. **Authority.** The Community Development Director shall have the responsibility and authority to interpret the meaning and applicability of all provisions and requirements of this Development Code, subject to appeal to the Planning Commission in compliance with Chapter 16.100 (Appeals).

B. **Language.**

1. **Abbreviated Titles and Phrases.** For the purpose of brevity, and unless otherwise indicated, the following phrases, names of personnel and decision-making bodies are shortened in this Development Code. The City of Stockton is referred to hereafter as the “City.” The Community Development Department is referred to as the “Department.” The Community Development Director is referred to as the “Director.” The City Council is referred to as the “Council.” The Planning Commission is referred to as the “Commission.” The Development Review Committee is referred to as the “DRC” and the Architectural Review Committee is referred to as the “ARC.” The State of California is referred to as the “State,” and the County of San Joaquin is

referred to as the “County.” The City of Stockton Municipal Code is referred to as “the Municipal Code.” The California Subdivision Map Act is referred to as the “Map Act.”

2. **Terminology.** When used in this Development Code, the words “shall,” “will,” “is to,” and “are to” are always mandatory. “Should” and “encourage” are not mandatory but are strongly recommended; “may” is permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise. The words “include,” “includes,” and “including” mean “including but not limited to . . .”. The terms “amend,” “modify,” and “revise,” all mean “to change.” The term “waive” means “to eliminate a requirement.” The use of the word “approval” includes approval with conditions. The use of the words “appropriate” or “applicable” means “as determined by the applicable Review Authority, or if not identified, by the Director.” The word “structure” includes “buildings and/or structures.”

3. **Number of Days.** Whenever a number of days is specified in this Development Code, or in any permit, condition of approval, or notice issued or given as provided in this Development Code, the number of days shall be calendar days, unless business days are specified. Time limits will extend to the following business day where the last of the specified number of days falls on a day that the City is not open for business, except as otherwise provided for by the Map Act.

4. **State Law Requirements.** Where this Development Code references applicable provisions of State law (for example, the California Government Code, Map Act, Public Resources Code, etc.), the reference shall be interpreted to be the applicable State law provisions as they may be amended from time to time.

C. **Calculations—Rounding.** Where provisions of this Development Code require calculations to determine applicable requirements, any fractional/decimal results of the calculations shall be rounded as provided by this Subsection. For example, the provision of RH zoning district, which allows a parcel to be developed with 29 dwellings for each net acre of site area, requires determining the number of acres in the site, and multiplying the site area by 29 to determine the number of dwellings allowed.

1. **Minimum Lot Area and Number of Lots.** The fractional/decimal results of calculations of the number of parcels allowed through subdivision based on a minimum lot area requirement shall be rounded down to the next lowest whole number. For example, the RL zoning district minimum lot area requirement of 5,000 square feet net would allow division of a 21,000 square foot lot into four (4) lots.

Example: 21,000 sq. ft./ 5,000 sq. ft. = 4.2 lots, rounded down to 4 lots

2. **Residential Density.** When the number of housing units allowed on a site are calculated based on density limits established by a zoning district, any fraction of a unit shall be rounded down to the next lowest whole number. For example, the RH zoning district allows 29 dwelling units per net acre of site area; a site of 8,500 square

feet would be allowed five (5) dwelling units (du). Definitions of “Density-Net” and “Density-Gross” can be found in Chapter 16.240 (Glossary).

Example: 8,500 sq. ft. / 43,560 sq. ft. = 0.195 acres;

0.195 acres x 29 du/acre = 5.65 du, rounded down to 5 du

3. **All Other Calculations.** For all calculations required by this Development Code other than those described in subsections (C)(1) and (C)(2) of this section, the fractional/decimal results of calculations shall be rounded to the next highest whole number when the fraction/decimal is 0.5 or more, and to the next lowest whole number when the fraction is less than 0.5.

D. **Conflicting Requirements.** Any conflicts between different requirements of this Development Code, or between this Development Code and other regulations, shall be resolved as follows:

1. **Development Code Provisions.** In the event of any conflict between the provisions of this Development Code, the most restrictive requirement shall control, except in case of any conflict between the zoning district regulations of Division 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards) and the provisions of Division 3 (Site Planning and General Development Standards), the provisions of Division 3 shall control, and in the case of any conflicts between overlay zoning districts (Chapter 16.28) and other portions of this Development Code, the provisions of the overlay zoning districts shall control.
2. **Development Agreements, Master Development Plan, Precise Road Plans, or Specific Plans.** In the event of any conflict between the requirements of this Development Code and standards adopted as part of any development agreement, master development plan, precise road plan, or specific plan, planned development permit, the requirements of the development agreement, master development plan, planned development permit, approved planned unit residential development (PURD), or specific plan shall control.
3. **Municipal Code Provisions.** In the event of any conflict between requirements of this Development Code and other regulations of the City, the most restrictive requirement shall control.
4. **Mitigation Measures.** In the event of any conflict between the requirements of this Development Code and mitigation measures adopted as part of a certified environmental impact report or approved negative declaration, the mitigation measures shall control.
5. **Private Agreements.** This Development Code and its requirements shall not interfere with, repeal, abrogate, or annul any easement, covenant, or other agreement that existed at the time, or was entered into after, the ordinance codified in this Development Code became effective. This Development Code applies to all land uses and development in the City regardless of whether a private agreement or restriction imposes a greater or lesser restriction on the development or use of a structure or land. If a requirement of this Development Code is more restrictive, this Development Code

shall apply; this Development Code, however, does not affect the applicability of any agreement or restriction. The City shall not enforce any private covenant or agreement unless it is a party to that covenant or agreement.

E. **Unlisted Uses of Land.** If a proposed use of land is not specifically listed in Table 2-2 (Allowable Land Uses and Permit Requirements) the use shall not be allowed, except as provided below for similar uses:

1. **Director's Determination.** The Director may determine that a proposed use not listed in Table 2-2 may be allowed as a permitted or conditional use, in compliance with Instructions for interpretation requests (Section 16.08.030). In making this determination, the Director shall first find that:

- a. The characteristics of, and activities associated with, the proposed use are equivalent to those of one or more of the uses listed in the zoning district as allowable, and will not involve a greater level of activity, population density, traffic generation, parking, dust, noise, or intensity than the uses listed in the zoning district;
- b. The proposed use will meet the purpose/intent of the zoning district that is applied to the site; and
- c. The proposed use will be consistent with the goals, objectives, and policies of the General Plan and any applicable master development plan or specific plan.

2. **Applicable Standards and Permit Requirements.** When the Director determines that a proposed but unlisted use is equivalent to a listed use, the proposed use will be treated in the same manner as the listed use in determining where the use is allowed, what permits are required, and what other standards and requirements of this Development Code apply. (Ord. 023-07 C.S. § 1; prior code § 16-120.020)

SECTION III: AMENDMENT OF CODE

Title 16, Chapter 16.12, Section 16.12.020 of the Stockton Municipal Code (SMC) is amended to read, as follows:

16.12.020 Requirements for development and new land uses.

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

A. **Allowable Uses.** The primary use of land shall be identified by Chapter 16.20 (Allowable Land Uses and Permit Requirements) and Chapter 16.28 (Overlay Zoning District Land Use and Development Standards) as being allowable in the zoning district applied to the site. In addition, land uses not identified in Chapter 16.20 may be allowable as follows:

1. **Primary Land Uses.** If a primary land use is not identified, the Director may determine whether the particular land use is allowable, in compliance with Section 16.08.020(E) (Unlisted uses of land).

2. **Accessory Uses.** Uses accessory to a primary land use shall be allowed in compliance with Section 16.80.020 (Accessory uses and structures).
3. **Temporary Uses.** Temporary uses (e.g., construction yards, seasonal sales lots, special events, etc.) shall be established in compliance with Chapter 16.164 (Temporary Activity Permits).

B. **Permit/Approval Requirements.** Any land use permit or other approval required by this Development Code shall be obtained before the proposed use is constructed or otherwise established, unless the proposed use is listed in Section 16.12.030 (Exemptions from development and land use approval requirements). The land use permit requirements of this Development Code are established by Chapter 16.20 (Allowable Land Use and Permit Requirements), and Chapter 16.28 (Overlay Zoning District Land Uses and Development Standards).

C. **Development Standards.** The use of land and/or structure shall comply with all applicable requirements of this Development Code, including the zoning district standards of Division 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards), and the provisions of Division 3 (Site Planning and General Development Regulations):

1. A structure shall not be erected, maintained, converted, reconstructed, or structurally altered and land shall not be used for any purpose other than allowed in the zoning district in which the structure or land is located.
2. A structure shall not be erected, maintained, reconstructed, or structurally altered to exceed the height or bulk limit for the zoning district in which the structure is located.
3. A lot area shall not be reduced or diminished to such an extent that the yard(s) or other open space(s) will be smaller than required by this Development Code.
4. The required yard and/or open space around a structure or on a vacant parcel shall not be used to meet the yard or open space requirements for any other existing or proposed structure.
5. Every structure shall be located on a lot as defined by this Development Code.
6. If a structure is converted to a residential unit or a residential unit is converted to increase the number of families that can be accommodated, it shall be located in a zoning district that permits that type of residential unit and shall comply with the development standards for the zoning district in compliance with Table 2-3 (Zoning District Development Standards) and the requirements, standards, and provisions of this Development Code.

D. **Conditions of Approval.** The use of land and/or structure and the location, height, and bulk of structures shall comply with any applicable conditions imposed by any previously granted land use permit or other approval.

E. **Legal Parcel.** The use of land and/or structure shall only be established on a parcel of land, which has been legally created in compliance with the Map Act as applicable at the time the parcel was created, and Division 6 (Subdivision Regulations), as determined by the City Engineer. Legal nonconforming parcels may be used or developed in compliance with Chapter 16.228 (Nonconforming Uses, Structures, and Parcels).

- F. **Development Agreements, Master Development Plans, Precise Road Plans, or Specific Plans.** The use and/or structures shall comply with any applicable Development Agreement approved by the City in compliance with Chapter 16.128 (Development Agreements), master development plan approved by the City in compliance with Chapter 16.140 (Master Development Plans), Precise Road Plan in compliance with Chapter 16.148 (Precise Road Plans), specific plan approved by the City in compliance with Chapter 16.156 (Specific Plans), planned unit residential development (PURDs), planned development permit approved by the City in compliance with Chapter 16.144.
- G. **Building Permits and Other Permits.** The structures shall comply with the requirements for building permits and applicable City, County, regional, Special District, State, or Federal permits. (Prior code § 16-130.020)

SECTION IV: AMENDMENT OF CODE

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

16.16.020 Zoning districts established.

The City shall be divided into zoning districts which implement the General Plan. The zoning districts described in Table 2-1 are hereby established and shall be shown on the official Zoning Map (Section 16.16.030). Zoning District Densities are shown on Table 2-1, with permitted uses on Table 2-2, and Development Standards on Table 2-3. The purposes of the individual zoning districts are as follows:

A. **Residential Zoning Districts.**

1. **RE (Residential, Estates) District.** The RE zoning district is applied to single-family residential development on large lots. It is intended to provide a transition from rural to urban areas on the urban fringe. Allowable density shall be a maximum of one (1) dwelling unit per acre. The RE zoning district is consistent with the Residential Estate land use designation of the General Plan.
2. **RL (Residential, Low Density) District.** The RL zoning district is applied to single-family residential neighborhoods, low-density residential planned developments, and/or other low-density residential development, and is intended to maintain densities and protect existing neighborhood character. Allowable density shall be up to 8.7 dwelling units per net acre or 6.1 per gross acre. The RL zoning district is consistent with the Low Density Residential land use designation of the General Plan.
3. **RM (Residential, Medium Density) District.** The RM zoning district is applied to more intensely developed residential neighborhoods and/or other medium-density residential planned developments. Allowable housing types may include single-family independent dwelling units, duplexes, triplexes, townhouses, and multifamily units. Allowable density shall be 8.8 to 17.4 dwelling units per net acre or 6.2 to 13.1 dwelling units per gross acre. The maximum floor area ratio (FAR) for neighborhood-

serving retail uses is 0.3. The RM zoning district is consistent with the Medium Density Residential land use designation of the General Plan.

4. **RH (Residential, High Density) District.** The RH zoning district is applied to high-density residential neighborhoods. Allowable housing types may include multifamily and various types of group housing, as well as high density single-family residential development. The RH zoning district is consistent with the High Density Residential, Commercial, and Administrative Professional land use designations of the General Plan. Consistent with the General Plan, allowable densities are as follows:

- a. **Outside the Greater Downtown.** 17.5 to 30 dwelling units per net acre or 13.2 to 24 dwelling units per gross acre. The maximum floor area ratio (FAR) for neighborhood-serving retail uses is 0.30.
- b. **Inside the Greater Downtown.** 20 to 90 dwelling units per net acre or 16 to 72 dwelling units per gross acre. The maximum floor area ratio (FAR) for neighborhood-serving retail uses is 3.0.
- c. **Inside the Downtown Core.** Up to 16 to 108.8 dwelling units per net acre or 20 to 136 dwelling units per gross acre. The maximum floor area ratio (FAR) for neighborhood-serving retail uses is 5.0.

B. Commercial Zoning Districts.

1. **Residential Density and Floor Area Ratios (FAR).** The allowable residential densities and Floor Area Ratios (FAR) for the CO, CN, CG, CL, and CD zones are as follows:

- a. **Outside the Greater Downtown Area.** 17.5 to 30 dwelling units per net acre or 13.2 to 24 dwelling units per gross acre. The maximum floor area ratio (FAR) is 0.3.
- b. Inside the Greater Downtown area may be 20 to 90 dwelling units per net acre or 16 to 72 dwelling units per gross acre. The maximum floor area ratio (FAR) is 3.0.
- c. **Inside the Downtown Core.** Up to 20 to 136 dwelling units per net acre or 16 to 108.8 dwelling units per gross acre. The maximum floor area ratio (FAR) is 5.0.

2. **CO (Commercial, Office) District.** The CO zoning district is intended to be a transitional area between residential and general commercial uses. The primary uses in this district include offices, incidental retail and/or residential in conjunction with an office, and other compatible uses. The CO zoning district is consistent with the Administrative Professional land use designation of the General Plan.

3. **CN (Commercial, Neighborhood) District.** The CN zoning district is applied to small-scale, limited retail and service areas that are designed to provide for the daily needs of the residents of the immediate, surrounding neighborhood. This zone is intended to be more pedestrian oriented to service adjacent residential communities. The CN zoning district is consistent with the Commercial land use designation of the General Plan.

4. **CG (Commercial, General) District.** The CG zoning district is applied to areas appropriate for a wide variety of general commercial uses, including retail, personal and business services; commercial recreational uses; and a mix of office, commercial, and/or residential uses. The CG zoning district is consistent with the Commercial land use designation of the General Plan.

5. **CD (Commercial, Downtown) District.** The CD zoning district is applied to the downtown commercial core areas of the City. The intent of the CD zoning district is to encourage a mixture of high intensity uses to create a lively, pedestrian-friendly environment, with high visual quality. Appropriate uses include large scale commercial offices and office support uses, high-density residential development, tourist and lodging oriented uses, and governmental facilities. The CD zoning district is consistent with the Commercial land use designation of the General Plan.

6. **CL (Commercial, Large-Scale) District.** The CL zoning district is applied to areas appropriate for large-scale integrated commercial retail centers with shared parking facilities. The CL zoning district is intended to serve a regional market area, and is to be applied to sites of at least 25 acres. The CL zoning district is consistent with the Commercial land use designation of the General Plan.

7. **CA (Commercial, Auto) District.** The CA zoning district is applied to areas appropriate for new and used automobile dealerships and related uses and is to be applied to sites of at least three (3) acres. The CA zoning district is consistent with the Commercial land use designation of the General Plan.

C. **Industrial Zoning Districts.**

1. **IL (Industrial, Limited) District.** The IL zoning district is applied to areas appropriate for light manufacturing uses that may generate more nuisance impacts than acceptable in commercial zoning districts and whose operations are totally conducted indoors. Includes retail stores and ancillary office uses. The IL zoning district is consistent with the Industrial land use designation of the General Plan.

2. **IG (Industrial, General) District.** The IG district is intended to allow a wide range of industrial land uses, including uses that may be conducted outdoors or associated with nuisance or hazardous impacts. Includes ancillary office uses. The IG zoning district is consistent with the Industrial land use designation of the General Plan.

3. **PT (Port) District.** The PT zoning district is applied to areas of the City that are operated by “port districts” as formed under the Harbors and Navigation Code Section 6210 et seq., for the operation of port facilities, including wharves, dockage, warehousing, and related port facilities. The PT zoning district is consistent with the Industrial and Institutional land use designations of the General Plan and the Rough and Ready Island Development Plan for the Port of Stockton (as applicable).

D. **Special Purpose Zoning Districts.**

1. **PF (Public Facilities) District.** The PF zoning district is applied to areas appropriate for a variety of public and quasi-public land uses, including facilities and lands owned by the City, County, State, or Federal governments as well as religious

facilities. The PF zoning district is consistent with the Institutional and Parks and Recreation land use designations of the General Plan. The maximum FAR is 0.2.

2. **OS (Open Space) District.** The OS zoning district is applied to areas of the City with open space resources, including agricultural lands, wetlands, wildlife reserves, and other sensitive natural resources; passive recreational areas such as golf courses; or natural hazards. Structural uses are limited to those which support the maintenance and/or use of the open space area. The OS zoning district is consistent with the Open Space/Agriculture land use designation of the General Plan. The maximum FAR is 0.01.

3. **MX (Mixed Use) District.** The MX zoning district is intended to apply to large properties of at least 100 acres that can accommodate a wide range of land uses. A master development plan is required for each MX zoning district to identify specific allowable land uses and development regulations. The MX zoning district is consistent with the Mixed-Use designation of the General Plan.

4. **UC (University/College) District.** The UC zoning district is applied to areas of the City that are dedicated to private institutions of higher learning, to enable campus modifications or changes with the minimum, appropriate land use regulations. A master development plan is required for each UC zoning district to identify specific allowable land uses and development regulations. The UC zoning district is consistent with the Administrative Professional and Institutional land use designations of the General Plan. The maximum FAR is 0.5 Outside the Greater Downtown and 5.0 inside the Greater Downtown area.

E. **Overlay Zoning Districts.** The purposes of the overlay zoning districts are described in Chapter 16.28 (Overlay Zoning District Development Standards).

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

Zoning District Symbol	Zoning District Name	General Plan Designation
Residential Districts		
RE	Residential, Estates	Residential Estate
RL	Residential, Low Density	Low Density Residential
RM	Residential, Medium Density	Medium Density Residential
RH	Residential, High Density	High Density Residential, Commercial, Administrative Professional

Commercial and Industrial Districts

CO	Commercial, Office	Administrative Professional
CN	Commercial, Neighborhood	Commercial
CG	Commercial, General	Commercial
CD	Commercial, Downtown	Commercial
CL	Commercial, Large-Scale	Commercial
CA	Commercial, Auto	Commercial
IL	Industrial, Limited	Industrial
IG	Industrial, General	Industrial
PT	Port District	Industrial, Institutional

Special Purpose Districts

PF	Public Facilities	Institutional, Parks and Recreation
OS	Open Space	Open Space, Agriculture
MX	Mixed Use	Mixed Use
UC	University/College	Administrative Professional, Institutional

Overlay Districts

-AIR	Aircraft Operations	All
-CHA	Channel Area	All
-DES	Design Review	All
-MHD	Magnolia Historic District	All
-CIO	Commercial-Industrial Overlay	Commercial

(Ord. 2020-06-09-1501 C.S. § 3; Ord. 2017-12-05-1503 C.S. § 2; Ord. 015-09 C.S., eff. 12-3-09; Ord. 011-08 C.S. § 1; prior code § 16-210.020)

SECTION V: AMENDMENT OF CODE

Title 16, Chapter 16.16, Section 16.16.030 of the Stockton Municipal Code (SMC) is amended to read, as follows:

16.16.030 Zoning Map adopted.

The Council hereby adopts the City of Stockton Zoning Map (hereafter referred to as the “Zoning Map”), which is on file with the Department.

A. **Inclusion by Reference.** The Zoning Map, together with all legends, symbols, notations, references, zoning district boundaries, and other information on the map, has been adopted by the Council in compliance with the City Charter, and is hereby incorporated into this Development Code by reference as though it were fully included here.

B. **Zoning District Boundaries.** The boundaries of the zoning districts established by Section 16.16.020 (Zoning districts established) shall be shown upon the Zoning Map.

C. **Relationship to General Plan and Other Plans.** The Zoning Map shall implement, and be consistent with, the City’s adopted General Plan, specifically including the land use/circulation diagram and any adopted specific plans, public facilities master plans, master development plans, and precise road plans. Where an inconsistency is discovered between the General Plan and the Zoning Map for a parcel, the General Plan designation shall govern and the inconsistency is hereby recognized to constitute a mapping error. As mapping errors are discovered, it shall be the responsibility of the City to correct such mapping errors on an annual basis.

D. **Map Amendments.** Amendments to the Zoning Map shall follow the process established in Chapter 16.116 (Amendments).

E. **Map Corrections.** Where a zone boundary appears to be in error, the Director may make the correction based on historical data, prior Zoning Maps, clear legislative intent, and other available information. Where the record is unclear, the zoning shall be reviewed by the Commission to determine if the map is in error. If, after review of the record, the Commission finds that the map is in error, they shall direct the Director to correct said error by revising the official maps accordingly.

F. **Zoning Map Interpretation, Applicability of District Requirements.** The Zoning Map shall be interpreted as follows:

1. **Rights-of-Way.** Rights-of-way (ROW) are defined as official paths of travel for mobility and commerce. ROW can include alleys, private streets, railroad lines for good movement, and waterways. ROW shall not be given a zoning designation.
2. **Zoning Map Boundaries.** If the location of the boundary of any zoning district shown on the official Zoning Map is in question, the location of the boundary shall be determined as follows:
 - a. The boundaries of a zoning district are the right-of-way lines of either streets or alleys unless otherwise shown, and if a district designated on the Map accompanying this code is bounded approximately by street or alley lines, the right-of-way line of the street or alley shall be the boundary of the district.
 - b. If a district boundary is not a street or alley:
 - i. If the property has been subdivided, the zoning district boundary shall follow the lot lines.
 - ii. If the property has not been subdivided, the zoning district boundary shall be located at the distance specified or shall be determined by using the scale appearing on the Zoning Map.

3. **Site Divided by Zoning District Boundary.** Where a site is divided by one or more district boundaries (split zone designation), the site shall be developed in compliance with the requirements of each district, as applicable. For example, if a site is zoned both commercial and residential, the portion of the site zoned commercial shall be developed in compliance with the commercial zoning regulations, and the portion zoned residential shall be developed in compliance with the requirements of the applicable residential district. Requests that would create a new split designation are prohibited.
 4. **Vacated or Abandoned Rights-of-Way.** If a public street, alley, railroad, or other public right-of-way is officially vacated or abandoned, it shall be zoned in compliance with Chapter 16.116 (Amendments (General Plan, Development Code, and Zoning Map)).
 5. **Unzoned Property.** Property within the City that does not have a zoning district designation shall be zoned as follows:
 - a. **Property Surrounded by Existing Zoning Districts.** Property that is surrounded on all sides by a single zoning district shall be designated with that zoning district designation; or
 - b. **Other Property.** All other property that does not have a zoning district designation shall be zoned in compliance with Chapter 16.116 (Amendments (General Plan, Development Code, and Zoning Map)).
- G. **Zoning Before Annexation.** All property shall be prezoned by the Council before annexation. (Ord. 023-07 C.S. § 4; prior code § 16-210.030)

SECTION VI: AMENDMENT OF CODE

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

16.20.020 Allowable land uses and permit requirements.

- 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, Magnolia Historic Overlay District, and Commercial-Industrial 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 unless within the Downtown Core area:

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
AGRICULTURAL AND RESOURCE-RELATED USES																
	R E	R L	R M	R H	C O	C N	C G	C D	C L	C A	I L	I G	P T	P F	O S	
Agricultural activities & facilities	P											P	P		A	16.80.060
Cannabis cultivation											C	C	C		C	16.80.195
Community gardens	P	P	P	P	P	P	P	P	P	P	P	P		L	P	16.80.130
Conservation areas	L	L	L	L	L		L	L	L	L	L	L	L	L	L	
Market gardens/urban farms	L	A	A	A	P	P	P	P	P		P	P			P	16.80.135
Mining											A	A	A	A		
Urban agriculture	P	P	P	P	P	P	P	P	P		P	P			P	16.80.350

BUSINESS AND PROFESSIONAL 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	C D	C L	C A	I L	I G	P T	P F	O S	
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	A	P	L		16.80.240

INDUSTRY, MANUFACTURING & PROCESSING USES

	R E	R L	R M	R H	C O	C N	C G	C D	C L	C A	I L	I G	P T	P F	O S	
Artisan Food and Beverage							A	P	A		P	P	P			16.80.170
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								C			P	P	P			16.80.170
Furniture and fixtures manufacturing											P	P	P			16.80.170
Handcraft industries,								P			P	P	P			16.80.170

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT														SPECIFIC USE STANDARDS
small-scale manufacturing															
Laundries and dry cleaning plants										P	P	P			16.80.170
Manufacturing															
Light										P	P	P			16.80.170
Heavy											A	P			16.80.170
Cannabis distribution										C	C	C			16.80.195
Cannabis manufacturer (volatile and non-volatile)										C	C	C			16.80.195
Cannabis, microbusinesses										C	C				16.80.195
Cannabis testing laboratory*					P	P	P	P	P	P	P				16.80.195
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
Recycling and waste facilities															
Collection facility							L	L	L	P	P	P	L		16.80.290

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT														SPECIFIC USE STANDARDS
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 & 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

	R E	R L	R M	R H	C O	C N	C G	C D	C L	C A	I L	I G	P T	P F	O S	
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

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS
																16.80.270
Clubs, lodges, and private meeting halls					P	P	P	P	P	L	P		P	A		
Commercial amusement facilities						A	A	A	A	A	A					
Educational facilities																
Academic schools—Private	A	A	A	A	A		A	A	A							
Academic schools—Public	P	P	P	P										P		
Colleges and universities—Private		C			C											
Vocational and technical schools					P	P	P	P	P	P	P					
Equipment repair and maintenance training							P	P		A	P			L		
Specialized education and training					A	A	P	P	P	A	P		P	L		
Vehicle repair and maintenance training										A	P	P	P	L		

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT														SPECIFIC USE STANDARDS
Truck and heavy equipment education and training											P	P	P	L	
Equestrian facilities	C										A	A		L	C
Golf courses/course clubs	C	C	C	C	C		A	A			A		P	L	A
Indoor recreation facilities					P	A	A	A	A	A	A		P	L	
Libraries and museums		C	C	C	P	P	P	P	P	P	P			L	A
Live entertainment					A	P	P	P	P					P	
Marinas							C	C			C		A	A	
Outdoor assembly facilities							A	A	A					L	
Outdoor commercial recreation facilities							C	C	C	C	C			A	
Parks and playgrounds	P	P	P	P	P	P	P	P						P	P
Pool halls/billiard parlors							C	C	C	L					
Private entertainment facilities							C	C	C		C				
Private residential recreation facilities	A	A	A	A											

16.80.030
16.80.270

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT														SPECIFIC USE STANDARDS
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				A	P	P	P	P	P	L	C				

RESIDENTIAL USES

	R E	R L	R M	R H	C O	C N	C G	C D	C L	C A	I L	I G	P T	P F	O S	
Accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs)	P	P	P	P	P	P	P	P	P	P				P		16.80.310
Caretaker and employee housing	A				P	P	P	P	P	P	P	L	L	L	L	
Cottage Court		C	P	P		P		P						L		16.80.215
Duplexes		P	P	P				P						L		16.80.215
Mobile home parks		A	A	A			A	A								16.80.210
Multifamily dwellings			P	P	P	P	P	P	C					L		16.80.220
Co-living (dwelling unit facility)				A	A	A	A	A								16.80.225
Organization al houses				A		A	A	A								
Residential care facilities																
Assisted living facilities	A		C	P	P	P	P	P						L		16.80.300

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT														SPECIFIC USE STANDARDS
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	P					L	16.80.220
Single-family dwellings	P	P	P	P										L	
Townhouses		A	P	P	P	P	P	P						L	16.80.215
Triplexes			P	P		P		A						L	16.80.215
Fourplexes			P	P		P		A							16.80.215

RETAIL TRADE

	R E	R L	R M	R H	C O	C N	C G	C D	C L	C A	I L	I G	P T	P F	O S	
Agricultural chemical sales											A	L	P			16.36.080
Alcoholic beverage sales																
Bars and nightclubs —On-sale						C	C	C	C							16.80.270

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT														SPECIFIC USE STANDARDS
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	C	L	P					16.24.120 16.80.07 0 16.80.330
Auto and vehicle sales—Used							L			A	L				16.24.120 16.80.07 0 16.80.330
Auto and vehicle leasing/rental							A	C		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 16.80.14 0 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

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT														SPECIFIC USE STANDARDS
Outdoor retail sales and activities							A	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				A	P	P	P	P	P	P			P		16.80.250, 16.24.060
Retail stores				A	P	P	P	P	P	P	P		P		16.80.330
Secondhand stores/pawn shops						A	A	A	A						
Shopping centers															
Neighborhood						A	P	P							16.80.330
Community						C	P	P							16.80.330
Regional							P	A	P						16.80.330
Warehouse retail stores							C	C	C						16.80.330

SERVICES

	R E	R L	R M	R H	C O	C N	C G	C D	C L	C A	I L	I G	P T	P F	OS	
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						

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS
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	L	P			16.80.320 16.80.340
Inoperable vehicle storage											L	L				
Maintenance/minor repair						A	P	P	P	P	P	P	P			16.80.320
Major repair/body work										P	P	P	P			16.80.340
Parking facilities		C	C	C	A	A	P	P	P	P	P		P	L		16.64.080
Vehicle storage								L		P	P	P	P	P	L	
Cannabis retailer storefront					C	C	C	C	C		C	C				16.80.195
Child care facilities																
Child care centers	C	C	C	C	P	P	P	P	P	P			P	P		16.80.100
Large family child care homes	P	P	P	P	P	P	P	P						P		16.80.100
Small family	P	P	P	P	P	P	P	P						P		

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS
child care homes																
Equipment rental								L	P	A	P		P			
Funeral facilities and services																16.80.165
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						
Crematorium							C	C		C	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							
Medical services																
Ambulance service					A		P	P	P	L	P		P	L		
Clinics and					P	P	P	P	P	L			P	L		

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS
laboratories																
Extended care	C	C	C	P	P		P	P						L		
Health-related					P	P	P		P					A		16.80.190
Hospitals					C		C	C						C		
Medical-related facilities					P	P	P	P	P					P		
Non-storefront cannabis retail operator permit (delivery only)					A	A	A	A	A			A	A			16.80.195
Personal services—Restricted						C	C	A	A							
Personal services—Unrestricted						P	P	P	P					P		
Personal storage facilities (mini-storage)							A		L	L	P	P	P			16.80.200
Repair services						P	P	P	P	P	P					
Sanitary services											C	A	P	L		16.36.080
Social services facilities																
Drug abuse, alcohol					A		A	A						A		

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT														SPECIFIC USE STANDARDS
recovery/treatment facility															
Feeding centers							C				C	C		A	
Emergency shelters				C	C		C	C			P	P		P	16.80.155

TRANSPORTATION AND COMMUNICATION USES

	R E	R L	R M	R H	C O	C N	C G	C D	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	Ch. 16.44
Major					A		A	A	A	A	A	P	P	A		Ch. 16.44
Transit stations and terminals							C	C			C	C	P	C		
Vehicle and freight terminals											P	P	P			

OTHER USES

	R E	R L	R M	R H	C O	C N	C G	C D	C L	C A	I L	I G	P T	P F	O S	
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				A	P	P	P	P	P		A	A	P			16.80.230
Public and semipublic	A	A	A	A	A	A	P	P	P	L	P	P	P	L		

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT														SPECIFIC USE STANDARDS
utility facilities															
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

C = Commission use permit required

L = Land development permit required
E = Use not allowed, except under special circumstances

A = Administrative use permit required
Empty box = Use not allowed

Notes:

See Section 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. 2020-12-01-1502 C.S. § 3; Ord. 2020-09-15-1501 C.S. § 7; Ord. 2020-06-09-1501 C.S. § 4; 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 VII: AMENDMENT OF CODE

Title 16, Chapter 16.24, Section 16.24.040 of the Stockton Municipal Code (SMC) is amended to read, as follows:

16.24.040 RL (residential, low density) zoning district standards.

The following standards shall apply to land uses and development within the RL (residential, low density) zoning district:

- A. **Duplexes.** Duplexes located in the RL (residential, low density) zoning district shall comply with the provisions of this section and all other applicable provisions of this Development Code.
 - 1. **Open space.** A minimum of 150 square feet of private open space is required per duplex unit, beyond the minimum required front-yard, rear-yard, and side-yard setbacks.
 - 2. **Main entrance.** A duplex located on a corner lot that consists of two dwelling units arranged side-by-side, shall have a main entry for each from either street corner.

SECTION VIII: AMENDMENT OF CODE

Title 16, Chapter 16.24, Section 16.24.110 of the Stockton Municipal Code (SMC) is amended to read, as follows:

16.24.110 CL (commercial, large-scale) zoning district standards.

The following standards shall apply to land uses and development within the CL (commercial, large-scale) zoning district:

- A. **Minimum Site Area.** The CL zoning district shall only be applied to a site with a minimum area of 25 acres. If an existing developed site in the CL zoning district is less than 25 acres, the structures may be added to, enlarged, extended, reconstructed, relocated, or structurally altered in compliance with Section 16.228.040(D)(3) (Provisions for nonconforming uses, structures, and parcels—Substandard parcels or zoning district areas).
- B. **Use Permit Requirement.** A project plan in compliance with Section 16.80.330(C) (Shopping centers and large-scale commercial retail uses—Shopping center project plans) showing the entire proposed development for the project site shall be submitted for approval as part of a Commission use permit in compliance with Chapter 16.168 (Use Permit) for the original project. All development on the project site shall be in compliance with the project plan.
- C. **Indoor Use Requirements and Exceptions.** Proposed development and new land uses within the CL (commercial, large-scale) zoning district shall be conducted within enclosed structures, except for:
 - 1. Automotive service stations (fueling stations), parking lots, and outdoor advertising signs;

2. Storage and sales areas if screened from the visible rights-of-way and/or are in compliance with the requirements for outdoor display and sales (Section 16.80.260);
3. Outdoor dining in compliance with Section 16.80.260 (Outdoor dining and seating areas);
4. Promotional activities in compliance with the use permit and subsection E of this section; and
5. Mobile vendors and kiosks as defined in Division 8 (Glossary).

D. Motion Picture Theaters—Limitation on Use. Motion picture theaters located in the CL zoning district shall contain no more than five (5) viewing screens or 499 total seats, including new construction, expansion, conversion, or renovation of a theater of more than five (5) viewing screens or 500 or more total seats or any other structure existing on the same or adjoining parcels or within 1,000 feet of another theater.

E. Warehouse Retail Stores—Limitation on Use. Warehouse retail stores located in the CL zoning district that devote 10 percent or more of the total sales floor area to the sale of nontaxable merchandise shall contain no more than 100,000 square feet of gross floor area, except for stores charging membership dues or otherwise restricting merchandise sales to customers paying a periodic access fee.

F. Shopping Center Promotional Activity. Outdoor promotional activities, including carnivals, fairs, festivals, flea markets, food events, fund-raisers, haunted houses, outdoor entertainment/sporting events, public relations activities, vehicle/motorcycle/recreational vehicle shows, rummage sales, secondhand sales, and other similar events designed to attract large crowds may be held by shopping centers in compliance with the following:

1. The total length of the promotional activity (from setting up to taking down any promotional structures) shall be no more than 96 hours;
2. The location of the promotional activity is:
 - a. At least 300 feet from any residentially zoned property; and
 - b. Consistent with the use permit for the shopping center;
3. Does not create objectionable dust, noise, odors, smoke, vibrations, or similar actions beyond the level of ordinary neighborhood retail establishments and the requirements of Chapter 16.32 (General Performance Standards); and
4. The Chief of Police is notified at least 21 days before the promotional activity. (Ord. 018-07 C.S. § 4; prior code § 16-230.110)

G. Multifamily Land Uses. Multifamily residential land uses in the CL zoning district shall not be subject to the development standards for multifamily development (Section 16.80.220(A) through (H)). The requirements for a landscape maintenance plan and management plan/agreement shall still apply (Section 16.80.220(I)). Additional requirements include:

1. Residential units are not permitted on the first or ground floor.

2. Limited residential use of the first or ground floor of such buildings may be permitted when limited to the functions of entrance lobby/elevator/stair access, leasing or management office or residential amenity spaces such as health/fitness, meeting/activity room or storage. However, in no case shall more than fifteen (15%) percent of the ground floor be devoted to these ancillary residential uses (not counting parking areas).
3. Residential and commercial land uses shall have separate entrances.
4. For new construction, terracing and articulation providing additional setbacks are required to create relief to the overall massing of building facades. Such design features of building façade articulation are required at least every sixty (60) feet on average along the primary building facades facing streets or the building frontage where the building fronts its primary parking lot area. For any building over two stories in height and over 200 feet in length, there shall be a thirty-five (35) foot break on at least the first floor, the design of which shall be a component of the architectural review process required for a conditional use permit. For any new building over two stories in height, a significant portion of the top floor shall be terraced and stepped back from the exterior face of the next lower floor by an average of at least five (5) feet. Parking structures are exempt from the terracing requirement.
5. Any above grade parking garages or decks constructed within this district shall be at least one hundred (100) feet away from any property used for single family or zoned for low density residential.

SECTION IX: 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															MX, UC
	RE	RL	RM	RH	CO	CN	CG	CD	CL	CA	IL	IG	PT	PF	OS	
Minimum lot size	Minimum area and width for new parcels. For a minimum specific zoning district area size requirement, see Section 16.16.020 (Zoning districts established)															Per master development plan
Area	1 ac	5,000 sf	7,500 sf	7,500 sf	No minimum					5 acres						
Width	150 ft	50 ft		No minimum												
Density	Number of dwellings permitted in a residential subdivision or in a multifamily residential project on an acre (net) of land.															
Dwelling units per net acre (minimum - maximum)	For allowable densities see Table 2-3.B															
Setbacks	Minimum setbacks required. See Division 8 for definitions. See Section 16.36.110 for setback measurement, allowed projections into setbacks, and exceptions.															
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						

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	
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	Maximum percentage of site area that may be covered by structures. See Division 8 for definitions. See Section 16.36.120 for exceptions.																
Maximum coverage	25%	50%			60%	100%	60%	100%	50%			60%			50%		1%
Height limit	Maximum height for primary structures. See Section 16.36.090 for height measurement and exceptions.																
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 or 6.2 to 13.1 dwelling units per gross acre.	The maximum floor area ratio (FAR) for neighborhood-serving retail uses is 0.3.
RH	<p>Outside the Greater Downtown area—17.5 to 30 dwelling units per net acre or 13.2 to 24 dwelling units per gross acre.</p> <p>Inside the Greater Downtown area shall be 20 to 90 dwelling units per net acre or 16 to 72 dwelling units per gross acre.</p> <p>Inside the Downtown Core—up to 20 to 136 dwelling units per net acre or 16 to 108.8 dwelling units per gross acre.</p>	<p>Outside the Greater Downtown area - The maximum floor area ratio (FAR) is 0.3.</p> <p>Inside the Greater Downtown area - The maximum floor area ratio (FAR) is 3.0.</p> <p>Inside the Downtown Core - The maximum floor area ratio (FAR) is 5.0.</p>
CL, CO, CN, CG, and CD	<p>Outside the Greater Downtown area—17.5 to 30 dwelling units per net acre and 13.2 to 24 dwelling units per gross acre.</p> <p>Inside the Greater Downtown area shall be 20 to 90 dwelling units per net acre and 16 to 72 dwelling units per gross acre.</p> <p>Inside the Downtown Core—up to 20 to 136 dwelling units per net acre and 16 to 108.8 dwelling units per gross acre.</p>	<p>Outside the Greater Downtown area - The maximum floor area ratio (FAR) is 0.3.</p> <p>Inside the Greater Downtown area - The maximum floor area ratio (FAR) is 3.0.</p> <p>Inside the Downtown Core - The maximum floor area ratio (FAR) is 5.0.</p>
PF	-	The maximum FAR is 0.2.
OS	-	The maximum FAR is 0.01.
UC	The following densities will be used for the UC zone when in conjunction with the Administrative Professional General Plan land use designation.	The maximum FAR is 0.5 outside the Downtown and 5.0 inside the Greater Downtown area.

	<p>Outside the Greater Downtown area—17.5 to 30 dwelling units per net acre or 13.2 to 24 dwelling units per gross acre.</p> <p>Inside the Greater Downtown area shall be 20 to 90 dwelling units per net acre or 16 to 72 dwelling units per gross acre.</p> <p>Inside the Downtown Core—up to 20 to 136 dwelling units per net acre or 16 to 108.8 dwelling units per gross acre.</p>	
CA, IL, IG, PT, MX, Overlay	-	-

(Ord. 2020-12-01-1502 C.S. § 4; Ord. 2020-06-09-1501 C.S. § 5; Ord. 023-07 C.S. § 11; prior code Table 2-3)

SECTION X: AMENDMENT OF CODE

Title 16, Chapter 16.28, Section 16.28.040 of the Stockton Municipal Code (SMC) is amended to read, as follows:

16.28.040 Channel area (-CHA) overlay district.

A. **Purpose.** The channel area (-CHA) overlay district, as defined in Division 8, is intended to ensure physical and visual public accessibility to and along the waterfront, protection of natural resources along the waterfront, and promote walkable uses and mixed-use residential development by limiting certain activities in conformance with the Waterfront Connections Plan and the General Plan.

B. **Applicability.** The -CHA overlay zoning district may be combined with any zoning district established by Section 16.16.020 (Zoning districts established) within the district boundaries. The provisions of this section shall govern the -CHA overlay district. In the event of any perceived conflict between the provisions of this section and any other provision of this Development Code, this section shall control.

C. **Use Permit Required.** Within the -CHA overlay zoning district, no structure shall be added to, constructed, erected, or enlarged; no use shall be enlarged, extended, or intensified; no new use of premises shall be introduced; and no former use shall be re-established without a Commission use permit in compliance with Chapter 16.168 (Use Permits). (Prior code § 16-240.040)

D. **Marine Commercial Subarea.** The Marine Commercial Subarea (MCS) is located within the north shore of the -CHA overlay district, on the south side of West Fremont Street, between the Interstate 5 bridge and North Harrison Street. The MCS is intended to ensure retention and continuation of certain marine facilities within the overlay district. Parcels located within the MCS do not require a Use Permit to enhance or expand existing marine related uses, including facilities for yacht and boat sales and rentals, maintenance, storage, and supportive marine-related uses. The MCS also permits the following uses with the approval of a Commission Use Permit (CUP). Consistent with the General Plan Commercial designations for the subarea, industrial use operations shall be kept indoors. All operations and accessory outdoor use shall be screened consistent with SMC section 16.28.070.D (Development Standards).

Land Use	Permit Required
Animal services- Kennel and boarding facilities	CUP
Auto/vehicle services- Major repair/bodywork	CUP
Electronics, equipment & appliance manufacturing	CUP
Furniture and fixtures manufacturing	CUP
Manufacturing- Light	CUP
Metal products fabrication, machine/welding shops	CUP
Warehouses	CUP

SECTION XI: AMENDMENT OF CODE

Title 16, Chapter 16.28, Section 16.28.060 of the Stockton Municipal Code (SMC) is amended to read, as follows:

16.28.060 Magnolia historic (-MHD) overlay district.

A. **Purpose.** The Magnolia historic (-MHD) overlay district is intended to provide for the recognition, preservation, and use of culturally or architecturally significant structures in the Magnolia Historic district. Standards for development and new land uses within the -MH overlay district are intended to strengthen and preserve neighborhood character, community identity, and the historic character of the district.

B. **Applicability.** The -MHD overlay zoning district shall be combined with the underlying zoning district or any residential zoning district established by Section 16.16.020 (Zoning districts established) within the boundaries of the Magnolia historic preservation district.

C. **Allowed Land Uses.** The uses of land that may be allowed within the -MHD overlay district shall be limited to those shown in Table 2-4.

1. **Restrictions.** The following uses shall be allowed subject to the following restrictions:

**TABLE 2-4
ALLOWABLE LAND USES AND PERMIT REQUIREMENTS
IN THE MAGNOLIA HISTORIC DISTRICT**

Land Uses	Permit Requirement	Specific Use Standards
Residential Uses		
Caretaker and employee housing	A	
Duplexes	A	
Family care homes, 6 or fewer clients	P	
Family care homes, 7 or more clients	A	
Multifamily dwellings	A	<u>16.80.220</u>
Senior residential projects	A	<u>16.80.220</u>
Single-family dwellings	P	
Townhouses	A	
Triplexes	A	
Fourplexes	A	

Nonresidential Uses

Artisan shops	A	
Art galleries	A	
Auto/vehicle services—Parking facilities, public	C	
Banks and financial services	A	
Bed and breakfast inns	A	<u>16.80.090</u>
Broadcasting studios	C	
Child care facilities		

Land Uses	Permit Requirement	Specific Use Standards
Child day care centers	C	<u>16.80.100</u>
Large family child care homes	P	<u>16.80.100</u>
Small family child care homes	P	
Clubs, lodges, and private meeting halls	C	
Handcraft industries, small-scale manufacturing	C	
Libraries and museums	C	
Live-work space	L	
Multi-use facilities	C	<u>16.80.230</u>
Offices	A	<u>16.80.240</u>
Personal services, limited to:		
Beauty parlors and barber shops	A	
Dry cleaning pick-up stores	A	
Nail salons	A	
Shoe repair shops	A	
Tailors and seamstresses	A	
Travel agents	A	
Printing and publishing	C	
Public and semi-public utility facilities	C	

Religious places of worship	A	
Restaurants—Table service	A	<u>16.80.250</u>
Retail stores, limited to:		
Antiques	A	
Bakeries (retail only)	A	
Bicycle shops	A	
Boutique stores	A	
Land Uses	Permit Requirement	Specific Use Standards
Bookstores	A	
Clothing and accessories	A	
Florists	A	
General store	A	
Gift shops	A	
Grocery and produce stores	A	
Jewelry	A	
Luggage and leather goods	A	
Musical instruments, parts, and accessories	A	
Specialty shops	A	
Stationery	A	
Studios	A	

Key: P = Use permitted L = Land development permit required A = Administrative use permit required C = Commission use permit required
Empty box = Use not allowed

1. **Restrictions.** The following uses shall be allowed, subject to the following restrictions:

- a. **Alcoholic Beverage Sales.** No alcohol shall be sold for use off the premises (off-sale). The sale of alcohol may be allowed for consumption on-site, subject to the approval of a Commission use permit (Chapter 16.168).
- b. **Offices.** All offices shall be limited in size to 5,000 square feet.
- c. **Restaurants.** All restaurants, coffee shops, coffee houses, or cafes shall be limited in size to 2,000 square feet, including outdoor dining and seating areas.

- d. **Retail Uses.** All allowed retail uses shall be limited in size to 1,500 square feet and shall be limited to the main floor or basement, if the main floor is raised.
 - e. **Other Nonresidential Uses.** All other nonresidential uses shall be limited in size to 2,000 square feet, except bed and breakfast inns, child care facilities, live-work spaces, and multi-use facilities.
2. **Waiver.** The Commission may waive the above requirements, subject to a Commission use permit in compliance with Chapter 16.168 (Use Permit), if:
 - a. **Existing Structure.** An existing structure would allow a larger operation than permitted in subsection (C)(1) of this section, without adversely impacting the Magnolia historic district and further the purpose of the Magnolia historic overlay district; and
 - b. **New Structure.** A larger structure than allowed in subsection (C)(1) of this section, would:
 - i. Meet all requirements of this Development Code without applying the exceptions granted by this section (Magnolia historic overlay district),
 - ii. Be designed to be compatible with, and of the same scale as, the historic buildings on the block the structure is located and the block the structure is facing, and
 - iii. Provide a historic setting for the structure.
- D. **Permit Requirements.**
1. **Land Use Permits.** Development and new land uses within the -MHD overlay district shall obtain the land use permits required in Table 2-4.
 2. **Home Occupations.** Home occupations in compliance with the requirements of Section 16.80.160 (Home occupations) shall be allowed with a home occupation permit in compliance with Chapter 16.132 (Home Occupation Permits).
 3. **Certificates of Appropriateness.** Any new construction or changes to the exterior of a structure or its grounds, as defined, shall require a certificate of appropriateness, in compliance with Section 16.220.060 (Certificates of appropriateness). All new construction and exterior alterations are required to conform to the historical design and character of the existing structure and/or the district.
- E. **Development Standards.** Development and new land uses within the -MHD overlay district shall comply with the following development standards for primary structures:

TABLE 2-5
DEVELOPMENT STANDARDS IN THE
MAGNOLIA HISTORIC DISTRICT

Development Feature	Requirement in the –MH Overlay District
Minimum lot size	5,000 sq. ft.
Minimum lot area per dwelling unit	2,500 sq. ft.
Maximum density	29 dwelling units per net acre

Setbacks	
Front	10 ft.
Side	5 ft.
Rear	10 ft.
Site coverage—Maximum allowed	75%
Height limit	45 ft.

F. **Accessory Structures.** All accessory structures shall be in compliance with Section 16.80.020 (Accessory uses and structures), except as follows:

1. **Location.** Accessory structures shall not be allowed in the front yard. Accessory structures may be located to the side or rear of the primary structure in compliance with Section 16.80.020 (Accessory uses and structures), except:

- Accessory structures to single-family residences may be located up to the side or rear property line in compliance with the separation requirements of the latest editions of the California Building Code and the California Fire Code; and
- Accessory structures in compliance with the separation requirements of the latest edition of the California Building Code may be separated from the primary structure by less than five (5) feet.

2. **Height.** The height of an accessory structure may exceed 15 feet if it is in keeping with the historic character of the district and the primary structure subject to an administrative use permit. A certificate of appropriateness shall be required before obtaining the administrative use permit to determine if the proposed accessory structure is in keeping with the historic character of the district and the primary structure.

G. **Parking.** Parking requirements shall be in compliance with Chapter 16.64 (Off-street Parking and Loading Standards), except as follows:

1. **Exception.** The following are exceptions to Chapter 16.64:

- Residential Uses.** One (1) enclosed or covered parking space per dwelling unit to be located, if feasible, in the rear yard.
- Nonresidential Uses.** One (1) space per 500 square feet of floor area, except live-work space in compliance with subsection (G)(1)(c) of this section, and child care facilities and bed and breakfasts in compliance with Table 3-9 (Parking Requirements by Land Use). The parking spaces shall be located behind the primary structure and screened from adjacent property and the street by a six (6) foot high wall.
- Live-Work Spaces.** One (1) enclosed or covered parking space per dwelling unit plus one (1) space per 500 square feet of the nonresidential floor area. The driveway may be considered in meeting the required number of nonresidential spaces.
- Off-Street Loading.** All off-street loading shall comply with Section 16.64.110 (Off-street loading space standards).

2. **Waiver.** A waiver of the parking requirements may be granted by the

Commission, subject to a Commission use permit (Chapter 16.168), if:

- a. Existing physical constraints on the site limit the amount of parking that can be provided; and
- b. The Commission can find that the granting of the waiver would further the purpose of the Magnolia historic overlay district.

H. **Landscaping.** All yards adjacent to a public right-of-way shall be landscaped in compliance with Chapter 16.56 (Landscaping Standards).

I. **Fences.** Fences, hedges, and walls may be provided in compliance with the requirements for residential zoning districts in Chapter 16.48 (Fences, Hedges, and Walls), except:

1. Chain-link fencing and barbed wire/razor wire fencing as described in Section 16.48.100 shall not be permitted.
2. Wrought iron fences within the front and streetside setback area may be allowed up to six (6) feet in height in compliance with Section 16.48.060(C) (Wrought iron fences).

J. **Hours of Operation.** Unless otherwise specified in a use permit or temporary activity permit, all nonresidential activities shall cease by 10:00 p.m. A waiver may be granted by the Commission, subject to a Commission use permit, if:

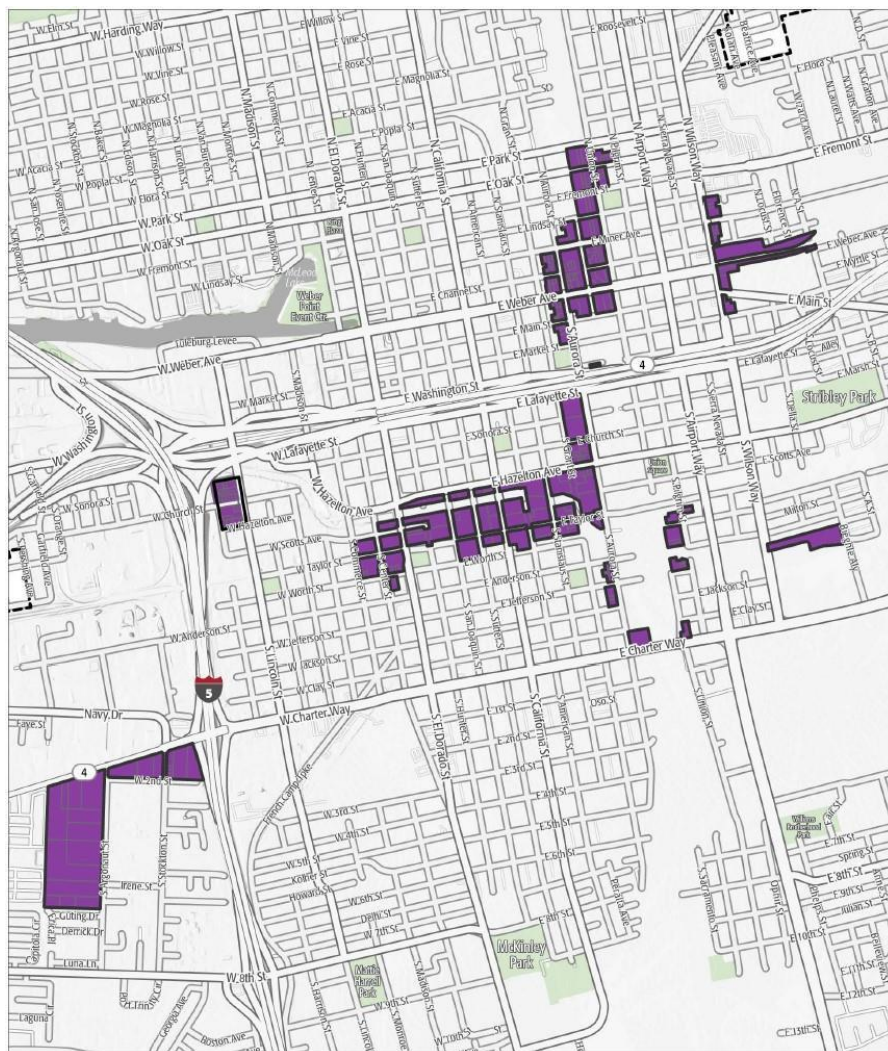
1. Any live music will not be amplified; and
2. Noise levels will be no greater than 55 dBA at the property line. (Ord. 2020-06-09-1501 C.S. § 6; Ord. 015-09 C.S., eff. 12-3-09; Ord. 023-07 C.S. §§ 12—14; prior code § 16-240.060)

SECTION XII: ADDITION OF CODE

Title 16, Chapter 16.28, section 16.28.070 of the Stockton Municipal Code (SMC) is added to read as follows:

16.28.070 Commercial-Industrial (-CI) overlay district.

- A. **Purpose.** The Commercial-Industrial (-CI) overlay district is intended to preserve urban industrial land as viable sites of production and employment while buffering heavy industrial activities from existing residential uses. Allowable uses in this place type include light industrial, clean manufacturing, agricultural technologies, food processing, energy resources and technologies, offices, commercial uses to support business endeavors, repurposed buildings with live/work artist studios, and other non-noxious industrial and manufacturing uses
- B. **Applicability.** The -CI overlay district may be combined with an underlying Commercial zoning district established by Section 16.16.020 (Zoning districts established) within the district boundaries. Where there may be a conflict, the standards in this section shall prevail.



C. Allowed Land Uses. The following uses shall be allowed subject to the following restrictions:

ALLOWABLE LAND USES AND PERMIT REQUIREMENTS IN THE COMMERCIAL-INDUSTRIAL OVERLAY

LAND USES	PERMIT REQUIREMENT	SPECIFIC USE STANDARDS
Artisan Food and Beverage	P	<u>16.80.170</u>
Electricity generating plants/facilities other than nuclear	C	<u>16.80.170</u>
Electronics, equipment & appliance manufacturing	P	<u>16.80.170</u>

LAND USES	PERMIT REQUIREMENT	SPECIFIC USE STANDARDS
Fabric product manufacturing	P	<u>16.80.170</u>
Food and beverage product manufacturing	P	<u>16.80.170</u>
Furniture and fixtures manufacturing	P	<u>16.80.170</u>
Handcraft industries, small-scale manufacturing	P	<u>16.80.170</u>
Manufacturing		
Light	P	<u>16.80.170</u>
Cannabis testing laboratory*	P	<u>16.80.195</u>
Metal products fabrication, machine/welding shops	P	<u>16.80.170</u>
Petroleum storage and distribution		<u>16.80.170</u>
Printing and publishing		<u>16.80.170</u>
Research & development (R&D)	P	<u>16.80.170</u>
Storage yards	C	<u>16.80.170</u>
Warehouses	C	<u>16.80.170</u>
Wholesaling and distribution	C	<u>16.80.170</u>
Educational facilities		
Vocational and technical schools	P	
Equipment repair and maintenance training	L	
Specialized education and training	P	
Vehicle repair and maintenance training	L	
Indoor recreation facilities	A	
Construction, farm & heavy equipment sales	P	<u>16.80.330</u>
Mobile home sales	A	<u>16.80.330</u>
Recreational vehicle & boat sales— New/used	A	<u>16.80.330</u>
Animal services		
Kennel and boarding facilities	A	
Training facilities	L	
Veterinary clinics and animal hospitals	P	<u>16.80.370</u>
Auto/vehicle services		
Fueling stations	L	<u>16.80.320</u> <u>16.80.340</u>

LAND USES	PERMIT REQUIREMENT	SPECIFIC USE STANDARDS
Maintenance/minor repair	P	<u>16.80.320</u>
Major repair/body work	L	<u>16.80.340</u>
Vehicle storage	C	16.80.020.C
Personal storage facilities (mini-storage)	A	<u>16.80.200</u>
Social services facilities		
Feeding centers	C	
Emergency shelters	P	<u>16.80.155</u>
Communications facilities		
Minor	P	Ch. 16.44
Major	A	Ch. 16.44
Motion picture production	A	

Key: P = Use permitted

C = Commission use
permit required

L = Land development
permit required

E = Use not allowed,
except under special
circumstances

A = Administrative use
permit required

Empty box = Use not
allowed

D. Development Standards. Development and new land uses within the –CI overlay district shall comply with the following development standards for primary structures:

- **Enclosed Use Requirements and Exceptions.** Proposed development and new land uses shall be conducted entirely within an enclosed structure except for those cases in which another type of roofed enclosure is approved by the Director or Commission for use at a particular location, subject to the following:
 - i. **Exceptions.** The following exceptions may be located outside of the enclosed structure:
 1. Loading and unloading docks;
 2. Driveways;
 3. Parking areas for vehicles; and
 4. Storage in compliance with subsection B of this section.
 - b. **Screening standards.**
 - i. Open storage of goods or materials incidental to the primary activity shall be screened from any adjacent public street by a solid, decorative, masonry wall, or landscaped berm and wall, the design and height to be approved by the Director;

- ii. Loading and unloading areas and ground-mounted equipment, including utility vaults, air conditioners, fuel containers, etc., that are visible from any adjacent public streets shall be screened by a solid, decorative masonry wall or landscaped berm and wall that has a minimum height of eight (8) feet above the adjacent street grade; and
 - iii. Trash enclosures in compliance with Section 16.36.130 (Solid waste/recyclable materials storage);
 - iv. Screen and sound walls shall comply with SMC Chapter 16.48.
 - v. All setbacks and screening areas shall be landscaped in accordance with SMC Chapter 16.52 (Landscaping Standards).
- c. Security.**
- i. Security Systems and onsite monitoring will be conditioned for outdoor storage and proposed operations that require discretionary review (i.e., use permit) from the City.
 - ii. Lighting.
 - 1. All lighting or illumination shall conform with section 16.32.070 (Light and Glare).
 - 2. Light fixture heights should not exceed eight feet when adjacent to residential uses unless the setback of the fixture from property line is twice the height of the fixture. No ground mounted light fixture shall exceed twenty-five feet in height.
 - 3. Any lighting located adjacent to riparian areas shall be directed downward and away from riparian areas.
 - iii. No barbed or concertina wire shall be visible from any adjacent public street, in compliance with Chapter 16.48 (Fences, Hedges, and Walls).
 - iv. All owners shall comply with SMC Chapter 16.32 (General Performance) for potential impacts involving, air pollution, noise, odor, vibration, and water pollution.

SECTION XIII: AMENDMENT OF CODE

Title 16, Chapter 16.36, Section 16.36.080 of the Stockton Municipal Code (SMC) is amended to read, as follows:

16.36.080 Hazardous materials.

The following standards are intended to ensure that the use, handling, storage, and transportation of hazardous materials comply with all applicable State laws (Government Code Section 65850.2 and Health and Safety Code Section 25505, et seq.) and that appropriate information is reported to the City.

For the purposes of this section, “hazardous materials” shall include materials that meet the requirements of Tables 105A and 105B and Section 105 (Permits) of the Fire Code adopted by the City of Stockton.

A. **Use Permit Required.** An administrative use permit in compliance with Chapter 16.168 (Use Permits) shall be required for any new commercial, industrial, institutional, or accessory use, or major addition (over 10 percent) to an existing use within 1,000 feet of a residential zoning district that involves the manufacture, storage, handling, or processing of hazardous materials in sufficient quantities that would require permits as hazardous materials.

B. **Reporting Requirements.** All businesses required by State law (Health and Safety Code, Section 6.95) to prepare hazardous materials release response plans and hazardous materials inventory statements shall upon request submit copies of these plans, including any revisions, to the Fire Department.

C. **Underground Storage.** Underground storage of hazardous materials shall comply with all applicable requirements of State law (Health and Safety Code, Section 6.7 and Chapter 27 of the California Fire Code, or as subsequently amended).

D. **Above-Ground Storage.** Aboveground storage tanks for hazardous materials and flammable and combustible liquids may be allowed subject to the approval of the Fire Department.

E. **New Development.** Structures adjacent to a commercial supply bulk transfer delivery system with at least six (6) inch pipes shall be designed to accommodate a setback of at least 100 feet from that delivery system. This setback may be reduced if the Director, with recommendation from the Fire Department, can make one (1) or more of the following findings:

1. The structure would be protected from the radiant heat of an explosion by berming or other physical barriers;
2. A 100-foot setback would be impractical or unnecessary because of existing topography, streets, parcel lines, or easements; or
3. A secondary containment system for petroleum pipelines and transition points shall be constructed. The design of the system shall be subject to the approval of the Fire Department.

F. **Notification Required.** A subdivider of a development within 500 feet of a pipeline shall notify a new/potential owner before the time of purchase and the close of escrow of the location, size, and type of pipeline. (Ord. 015-09 C.S., eff. 12-3-09; Ord. 023-07 C.S. § 18; prior code § 16-310.080)

SECTION XIV: 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.

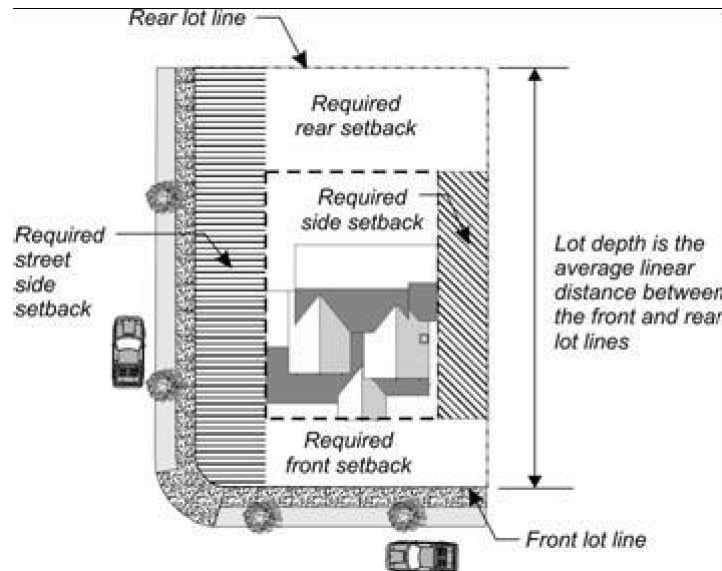


FIGURE 3-6 LOCATION AND MEASUREMENT OF SETBACKS

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).

c. **Easements.** No portion of a permanent structure shall be allowed in an easement without the express written permission of all who have a right to that easement.

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.

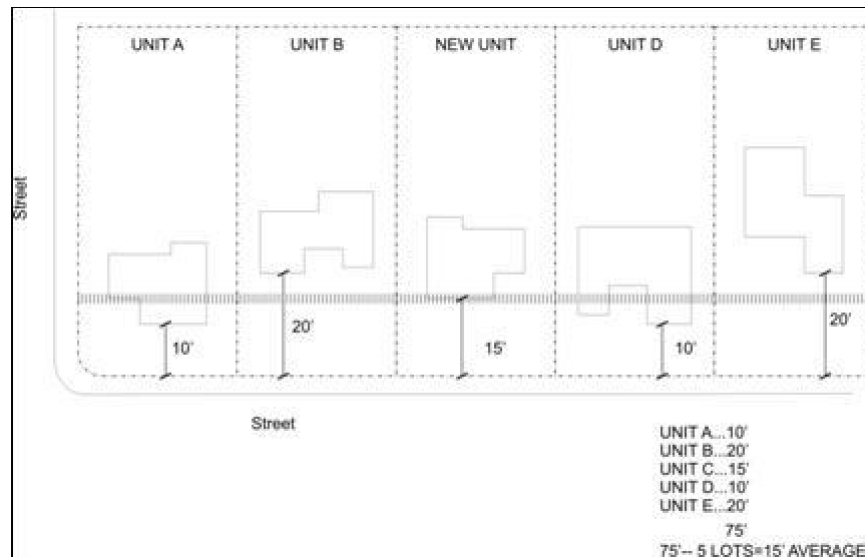


FIGURE 3-7 AVERAGING OF SETBACK REQUIREMENTS

- 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.
 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.

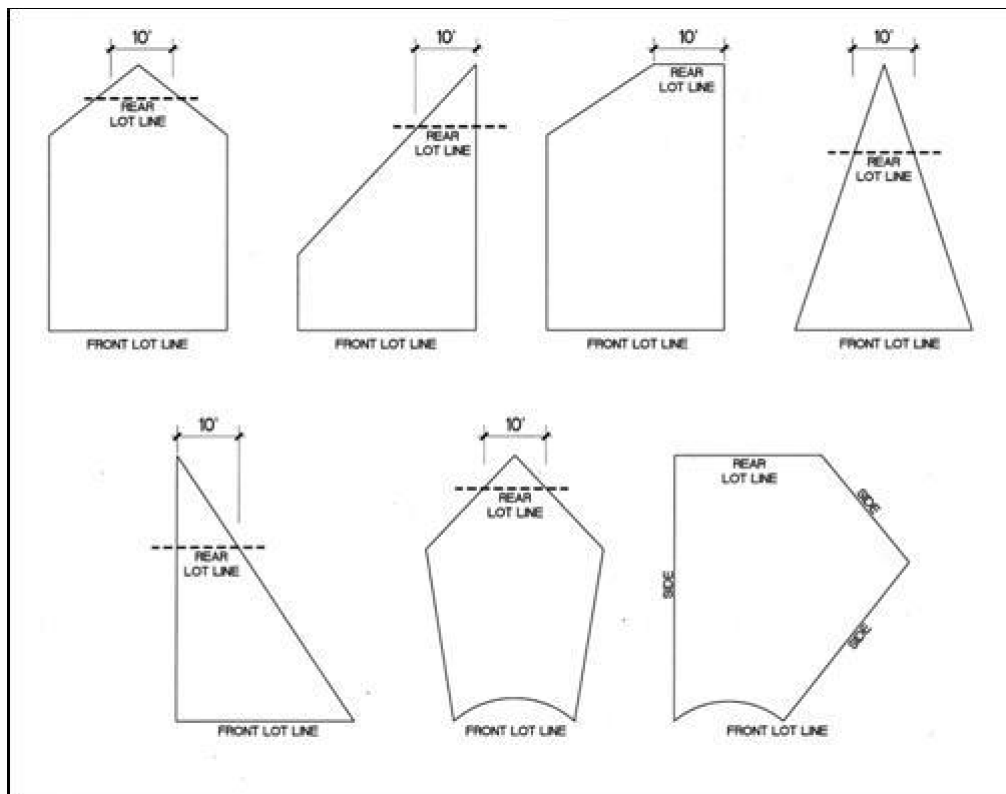


FIGURE 3-8 REAR YARD SETBACKS ON IRREGULARLY-SHAPED LOTS

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

1. **Primary Structure Projections.** Eaves, unenclosed patios, and other architectural features that do not increase the floor area of the structure; including but not limited to, decorative balconies, bay windows, belt courses, greenhouse windows, awnings, canopies, cornices, buttresses, ornamental features, and outside stairways, may project into the setback area in conformance with the following:

a. **Side Setback.** Maintain at least a two (2) foot area that is open and unobstructed from the ground upward between the side property lines and the projection.

b. **Front, Rear and Street Side Side Setback.** Project up to four (4) feet into the front, rear, and street side setback area.

2. **Attached Side-Entry Garage.** Attached garage structures that are non-habitable space and provide a side-entry garage may be constructed with a minimum 15-foot front setback. See Figure 3-9.

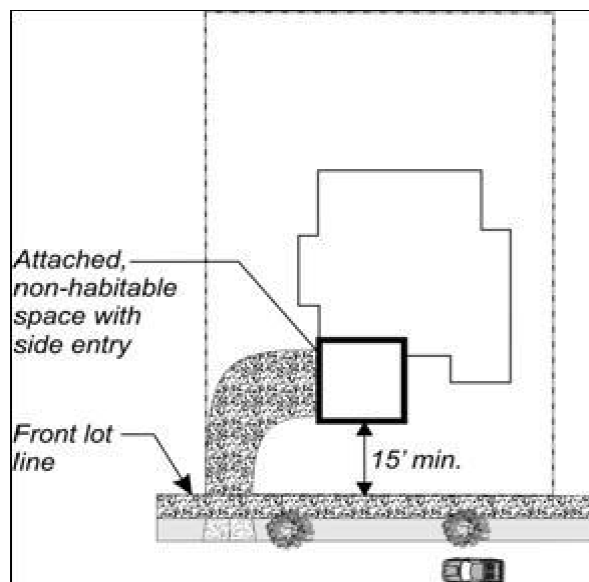


FIGURE 3-9 SIDE-ENTRY GARAGE SETBACK

3. **Chimney and Fireplace.** A chimney/fireplace, flue up to two (2) feet, but no closer than eight (8) feet, to the rear property line.

4. **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. 2020-12-01-1502 C.S. § 6; 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 XV: 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 (3) or more bedrooms.
- J. **Housing Development.** A development project of five (5) or more residential units, including mixed-use developments, as defined by California Government Code Section 65917.2. For the purposes of this chapter, “housing development” also includes projects defined in California Government Code Section 65915(i), including a subdivision or common interest development, as defined in Section 4100 of the California Civil Code, approved by the City and consisting of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing 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 50 percent maximum density bonus and concessions or incentives meeting all the applicable eligibility requirements as set forth in California Government Code Section 65915, et seq.

M. **Waiver or Reduction.** An allowed modification of development standards that would otherwise physically preclude the construction of a development meeting the criteria of this chapter at the density permitted under State Density Bonus Law or with the concessions and incentives granted under this section and State Density Bonus Law. (Ord. 2020-12-01-1502 C.S. § 9)

SECTION XVI: AMENDMENT OF CODE

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

16.40.040 Types of density bonuses.

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

A. **State Density Bonus (0% to 50%).** The City will allow an eligible housing development a 50 percent density bonus maximum and concessions or incentives as set forth in this chapter and State law.

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

C. **Tier-2 Supplemental Density Bonus (76% to 100%).** The City will allow an eligible housing development up to a 100 percent maximum density bonus. A request for a Tier-2 density increase shall receive the same concessions or incentives granted in the State Density Bonus; however, must achieve the minimum Tier-2 eligibility point score of 50 points as defined by Section 16.40.050. (Ord. 2020-12-01-1502 C.S. § 10)

SECTION XVII: AMENDMENT OF CODE

Title 16, Chapter 16.40, Section 16.40.050 of the Stockton Municipal Code (SMC) is amended 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 (3) of the following concessions or incentives, waivers or reductions:

1. **Setback Reduction.** A setback reduction of up to 25 percent, but not to be less than 20 percent below the average of developed lots on the same block face.
2. **Automatic Reductions for Off-Street Parking Requirements.**
 - a. Up to 25 percent reduction for all density bonus types (Section 16.40.040).
 - b. Up to 50 percent reduction for housing developments that demonstrate at least 25 percent of total units affordable to very-low/low income households.
 - c. Up to 75 percent reduction for housing developments that demonstrate at least 50 percent of total units affordable to very-low/low income households.
 - d. Up to 100 percent reduction for housing developments that demonstrate at least 75 percent of total units affordable to very-low/low income households.
3. **Waivers for Lot Coverage and Floor Area Ratio (FAR).**
 - a. Up to five (5) percent increase for all density bonus types (Section 16.40.040).
 - b. Up to 10 percent increase for housing developments that demonstrate at least 25 percent of total units affordable to very-low/low income households.
 - c. Up to 15 percent increase for housing developments that demonstrate at least 50 percent of total units affordable to lower income households.
 - d. Up to 20 percent increase for housing developments that demonstrate at least 75 percent of total units affordable to very-low/low income households.
4. Increase in allowable lot coverage by up to 25 percent of lot area.
5. **Building Height.** Increase of the larger of up to 12 feet or 10 percent beyond current maximum permitted. Additional height increases may be approved by the Director if the proposed height is shown not to have a negative impact on surrounding land uses.

B. Waiver of Standards Preventing the Use of Bonuses and/or Incentives.

1. As required by Government Code Section 65915(e), the City will not apply a development standard that will have the effect of physically precluding the construction of a housing development meeting the criteria of Government Code Section 65915(b) at the densities or with the concessions or incentives allowed by Government Code Section 65915.
2. An applicant may submit to the City a proposal for the waiver or modification of development and zoning standards that would otherwise inhibit the utilization of a density bonus on a specific site, including minimum parcel size, side setbacks, and placement of public works improvements.
3. The applicant shall show that the waiver or modification is necessary to make the housing units economically feasible.

C. Eligibility Points. Required for a Tier-1 or Tier-2 supplemental density bonus request, as defined by Section 16.40.040. An applicant can propose any combination of the following incentives to achieve the minimum eligibility points needed for the proposed density bonus type. As indicated in Section 16.40.040, Tier-1 requests require a minimum 30 eligible points while Tier-2 requests require a minimum of 50 eligible points.

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

SECTION XVIII: AMENDMENT OF CODE

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

16.52.010 Purpose.

The purpose of this chapter is to provide standards for applicants that desire to develop unused or underutilized land within the City limits. The standards in this chapter are intended to encourage and maximize opportunities for infill development projects, which are beneficial to the community, protective of existing neighborhoods, and well designed. The benefits of infill include resource conservation, efficiency of facilities and services, promotion of alternative modes of transportation, and opportunities for diverse housing and mixed use options. It is the intent of this chapter to facilitate the seamless infill of potential sites that minimize impacts on the City as a whole and on existing residential neighborhoods (including but not limited to impacts upon neighborhood character, aesthetics, noise and privacy) and on traffic congestion and parking. Projects shall be subject to the permitting requirements in Table 3-6 (Allowable Land Uses and Permit Requirements for Infill Projects). (Prior code § 16-330.010)

16.52.020 Applicability.

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

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

16.52.030 Standards and requirements.

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

A. Residential Projects.

1. **General.** All residential infill projects shall meet the following general requirements:

a. **Density.** Density may be reduced or increased at the discretion of the Director only under the following circumstances:

- i. The decrease or increase is less than 25 percent of the required minimum or maximum density for the zoning district;
- ii. The decrease or increase is compatible with existing development; and
- iii. The decrease or increase will further the aims of this chapter, or as allowed under the density bonus provisions in compliance with Chapter 16.40 (Affordable Housing Incentives/Density Bonus Provisions).

b. **Density Waivers for Small Infill Lots.** Maximum density requirements for Small Infill Lots (less than 6,500 square feet) may be waived by the Director under the following circumstances:

- i. High quality projects located in the Greater Downtown Area or Downtown Core that compliment and contribute to the surrounding neighborhood through sensitive planning and design, where higher density allowances have been accounted for in the General Plan;
- ii. Affordable housing projects as defined by the U.S. Department of Housing and Urban Development;
- iii. Adaptive Reuse of an existing building designated as a historic resource; and
- iv. Projects in furtherance of General Plan and Housing Element policies pertaining to acceleration of housing and infill development, as determined by the Director.

c. **Setback Requirements.**

i. **Primary Structure.**

(A) **Blocks with Existing Structures.** The setbacks for the primary structure shall be no greater than, nor no less than, the minimum and maximum setbacks of the existing primary structures on the blockface on which the infill site is located, and shall be the same or greater than the front setbacks of the buildings on either side of the project.

(B) **Blocks without Existing Structures.** If there are no existing structures on the blockface proposed for an infill project, the setbacks shall be determined by the Review Authority, to be:

- (1) Those of the zoning district in which the project is located;
- (2) Those of the structures on the opposite side of the street; or
- (3) Those specified in Table 3-5 (Setback Requirements for Residential Infill Projects).

**TABLE 3-5
SETBACK REQUIREMENTS
FOR RESIDENTIAL INFILL PROJECTS**

Yard		Setback
Front	Main structure with access to the parking space from the street	10 feet
	Main structure with access to the parking space from the rear of parcel	5 feet
Side		3 feet
Street side		5 feet
Rear		10 feet

ii. **Accessory Structures.**

(A) **Garages/Covered Parking Space.** Garages/covered parking spaces shall meet the requirements for accessory structures, except that:

(1) **Street.**

(a) **Front-Entry Garages/Covered Parking.**

- (i) The entrance to the garage/covered parking space shall be set back a minimum of 20 feet from the sidewalk on the street side used for a garage/covered parking vehicle entrance;
- (ii) Garages/covered parking spaces shall have an equal or greater front setback than the front setback for the primary structure; and

- (b) **Side-Entry Garages.** Side-entry garages shall be set back a minimum of 15 feet from the property line.
 - (2) **Private Street or Alley.** The setback for garages/covered parking spaces on private streets or alleys may be less than the required setback (20 feet for streets and 10 feet for alleys), provided there is at least 25 feet to back out.
 - (B) **Other.** Other accessory structures shall meet the front yard and street side yard requirements for primary structures, but shall have no setback requirements for rear and interior side yards.
- d. **Site Coverage.** Site coverage shall be within the range of the minimum and maximum site coverage on the existing blockface. On blockfaces without existing structures, the site coverage shall not exceed 70 percent of the site.
- e. **Frontage Requirements.** The width of the parcel shall be no greater than nor no less than the minimum and maximum widths of the existing parcels on the same blockface, but in no case shall the width of the parcel be less than 25 feet, except for existing nonconforming lots.
- f. **Height Limits.**
 - i. **Primary Structure.** The height of the primary structure shall be in compliance with the height requirements for the zoning district (Table 2-3), except that the height may be increased:
 - (A) To the height of the highest residential structure on the blockface; or
 - (B) By 25 percent if it is in keeping with the character of the blockface as determined by the Review Authority.
 - ii. **Accessory Structures.** The height of an accessory structure may exceed 15 feet if it is in keeping with the character of the neighborhood and the primary structure as determined by the Director, but no higher than the height of the primary structure.
- g. **Parking Requirements.** The number of parking spaces required shall be in compliance with Chapter 16.64 (Off-Street Parking and Loading Standards), except that a waiver of the parking requirements may be granted by the Review Authority, if:
 - i. Existing physical constraints on the site limit the amount of parking that can be provided; and
 - ii. The granting of the waiver would further the purpose of the revitalization of the area.
- h. **Driveways.** Residential driveways shall be subject to the following:
 - i. **Individual Driveways.** Residential driveways shall be in compliance with Section 16.36.030(C)(2) (Driveways—Residential).
 - ii. **Common Driveways.** Common driveways for less than eight (8) residential units shall be at least 25 feet in width. A reduction in the width of the driveway may be granted by the City Engineer, provided:

- (A) The common driveway is at least 20 feet in width; and
 - (B) At least 25 feet is provided for backing out from individual driveways.
- 2. **Single-Family Projects.** In addition to the above requirements, covenants, conditions, and restrictions (CC&Rs) shall be required for all single-family subdivisions of five (5) or more lots.
- 3. **Multifamily Projects.** In addition to the above requirements, multifamily projects shall be subject to the following:
 - a. **Development Standards.**
 - i. **Usable Open Space.** For each dwelling unit, 100 square feet of usable open space for each dwelling unit shall be provided for active or passive outdoor activity. This requirement may be provided in one (1) central area or adjacent to each living unit. The area may include an open patio, swimming pool, lounge deck, lawn, game court, or similar type uses. Required front, rear, and side yards along streets, driveways, parking areas, and walkways may not be used to satisfy any part of this requirement.
 - ii. **Landscaping.**
 - (A) **Requirements.** All front, rear, and side yards along the street side shall be landscaped in compliance with Section 16.56.040 (Landscape standards). The landscaping shall be maintained by the owners, developers, and/or successors-in-interest.
 - (B) **Plans.**
 - (1) A comprehensive landscape and irrigation plan shall be submitted with the site plan for approval by the Director; and
 - (2) If there are common areas, a landscape and maintenance plan shall be provided.
 - iii. **Fencing.** Any necessary fencing shall be provided in compliance with the use permit for the project.
 - iv. **Lighting.** Safety and security lighting shall be provided for parking areas and the lighting for parking areas and buildings shall not reflect on adjacent residential properties and shall be confined to ground lighting wherever possible.
 - v. **Refuse Disposal.** The refuse collection areas shall be clearly designated on the site plan. Refuse areas shall be clearly accessible for pickup and shall be effectively screened from public view in compliance with Section 16.36.130 (Solid waste/recyclable materials storage). Waste disposal pickup bins (dumpsters) shall not occupy any required parking spaces nor intrude into required access driveways.
 - vi. **Parking.** The development of the parking areas and driveways shall be in compliance with Section 1680.220(H) (Multifamily development—Parking).

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

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

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

- a. A 10 percent increase may be approved by the Director;
- b. A 25 percent increase may be allowed if the project is within one quarter (1/4) mile of a transit stop and approved by the Review Authority; or
- c. A density bonus increase may be allowed for projects meeting the provisions for a density bonus in compliance with Chapter 16.40 (Affordable Housing Incentives/Density Bonus Provisions).

- 2. **Setback Requirements.**

- a. **Primary Structure.**

- i. **Blockfaces with Existing Structures.**

- (A) **Commercial and Multi-Use Projects.** The primary structure for a commercial project in a commercial zoning district or multi-use project in any zoning district may be located at the property line provided:

- (1) There is at least 20 feet between that structure and any off-site residential structure; and

- (2) The location of the building is in compliance with the requirements for traffic sight areas (Section 16.36.140).

- (B) **Other Projects.** For all other nonresidential projects, the setbacks for the primary structure shall be no greater than, nor no less than, the minimum and maximum setbacks of the existing structures on the blockface on which the infill site is located, and shall be the same or greater than the front setbacks of the buildings on either side of the project.

- ii. **Blockfaces without Existing Structures.** If there are no existing structures on the blockface proposed for an infill project, the setbacks shall be determined by the Review Authority, to be:

- (A) Those of the zoning district in which the project is located; or

- (B) Those of the structures on the opposite side of the street.

- b. **Accessory Structures.** Accessory structures shall be in compliance with Section 16.80.020 (Accessory uses and structures).

- 3. **Site Coverage.** Site coverage shall be no greater than nor no less than the minimum and maximum site coverage of the existing parcels on the blockface. On blockfaces without existing structures, the site coverage shall not exceed 70 percent of the site.

- 4. **Frontage Requirements.** The width of parcels shall be no greater than nor no less than the minimum and maximum widths of the existing parcels on the same

blockface, but in no case shall the width of the parcel be less than 25 feet, except for existing legal nonconforming lots.

5. **Height Limits.**

- a. **Primary Structure.** The height of the primary structure shall be in compliance with the height requirements for the zoning district (Table 2-3), except that the height may be increased:
 - i. To the height of the highest structure on the blockface; or
 - ii. By 25 percent if it is in keeping with the character of the blockface as determined by the Review Authority.
- b. **Accessory Structures.** The height of an accessory structure shall be in compliance with Section 16.80.020 (Accessory uses and structures).

6. **Parking Requirements.** The number of parking spaces required shall be in compliance with Chapter 16.64 (Off-Street Parking and Loading Standards), except a waiver of the parking requirements may be granted by the Review Authority, if:

- a. Existing physical constraints on the site limit the amount of parking that can be provided; and
- b. The granting of the waiver would further revitalization of the area.

7. **Landscaping.** Landscaping shall be provided in compliance with Chapter 16.56 (Landscaping Standards). If there are common areas, a landscape and maintenance plan shall be provided.

8. **Driveways.** Nonresidential driveways shall be subject to the standards for urban driveways in compliance with Section 16.36.030(C)(3) (Driveways—Nonresidential).

9. **Multi-Use Projects.** Multi-use projects shall comply with the requirements in Section 16.80.230 (Multi-use projects). (Ord. 023-07 C.S. §§ 38, 39; prior code § 16-330.030)

C. **Adaptive Reuse Projects (Greater Downtown and Downtown Core).**

1. **Intent.** The intent of adaptive reuse is to allow conversion of existing structures into new land uses that maintain or enhance the character of a neighborhood or district, extend the life of the building, reduce use of new construction materials, reduce construction waste generated, and provide additional employment or housing opportunities in appropriate and compatible locations.
2. **Uses.** Notwithstanding the nonconforming provisions of Chapter 16.228, an adaptive reuse project may change the use of an existing building to any use permitted by the underlying zoning district.
3. **Commission Use Permit.** Any use that is not ordinarily permitted, or conditionally permitted, within the underlying zoning district, may be requested by submittal of a Commission Use Permit application, pursuant to the purpose, findings and conditions expressed in Chapter 16.168, in addition to the following findings:
 - a. Use of the building is for a purpose other than that for which it was originally designed, and in a manner that would not normally be permitted within the underlying zoning district, and is necessary to enhance the

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

SECTION XIX: 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).
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 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		
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	

Uses	Number of Spaces Required
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)		*1/2,000 for storage, employee break rooms, equipment rooms, offices, circulation corridors, cultivation and manufacturing areas
RDC	1/250”	
RDM	1/250”	
RCM	1/250”	
DCM	1/2,000*	
Cannabis testing laboratory	1/1,000	Offices over 5,000 sq. ft. – 1/250
Laundries and dry cleaning plants	1/1,000	Offices/sales over 5,000 sq. ft.—1/250 sq. ft.
Research and development (R&D)	1/500	Offices/sales over 5,000 sq. ft.—1/250 sq. ft.

Uses	Number of Spaces Required	
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	Other/Additional Spaces
		(24" = 1 seat)	
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	_____	_____
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

Uses	Number of Spaces Required		
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

	Space(s)/Unit or other criteria	Guest Parking
Caretaker and employee housing	1 covered/unit	_____
Duplexes	1 covered/unit, except in the Downtown Core, 1/2/unit	_____

Uses	Number of Spaces Required	
Cottage Court	1/unit	_____
Mobilehome parks	1/mobilehome	1/4 units
Multifamily dwellings	1/unit	1/4 units
Greater Downtown	1/2/unit	_____
Downtown Core ¹	1/2/unit	_____
Affordable housing	1/2/unit	1/8 units
Organizational houses	1/3 occupants	1/6 occupants
Residential care facilities		
All, except Care Homes (6 or fewer)	1/5 beds	1/10 beds
Family Care Homes, 7 or more	2/house in enclosed garage	1/10 beds
Rooming and boarding houses	1/3 occupants	_____
Senior residential projects	1/2/2 units	1/10 units
Single-family dwellings	2/house in enclosed garage	_____
Townhouses	1 covered/unit, except in the Downtown Core, 1/2/unit	_____
Triplexes	1/unit, except in the Downtown Core, 1/2/unit	_____
Fourplexes	1/unit, except in the Downtown Core, 1/2/unit	_____

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 Nurseries and garden supply stores	1st 5,000 sq. ft.—1/500	_____
	Over 5,000 sq. ft.—1/1,000	
	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 Adult day care facilities	1st 50,000 sq. ft.—1/200	_____ 2 spaces for drop off
	Over 50,000 sq. ft.—1/500	
	1/500	
Animal services		
Kennels and boarding facilities	1/500	1/800 boarding area
Grooming	1/400	_____
Training facilities	1/500	_____
Auto/vehicle services		
Car washes—Full service	_____	3 spaces/wash lane; Separate parking for ancillary uses
Car washes—Self-service	_____	1 space
Fueling stations	1/400	_____

Uses	Number of Spaces Required	
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 <u>16.80.100</u>
Small family child care homes	_____	_____
Equipment rental	1/250	_____
Funeral services		
Cemeteries	_____	Per use permit
Mortuaries	1/50	OR 1/4 fixed seats
Crematoriums	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

Uses	Number of Spaces Required	
Co-living (lodging facility)	_____	1/2-space/guest room
Single room occupancy facilities (SRO)	_____	1/2-space/guest room
Hotels and motels	_____	1/guest room + 4 + ancillary
Medical services		
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

Uses	Number of Spaces Required	
Motion picture production	1/500 indoor space	Ancillary use requirements
Multi-use facilities	_____	Aggregate of requirements for specific uses in the multi-use
Public institutions	1/200	_____
Public and semi-public utility facilities	_____	1 space
Signs—Off-premises	_____	_____
Transit-Oriented Development	No minimum if within ¼ mile of Rail station.	
¹ Exemption for parcels within a parking assessment district per Section 16.64.060.		

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

SECTION XX: AMENDMENT OF CODE

Title 16, Chapter 16.76, Section 16.76.030 of the Stockton Municipal Code (SMC) is amended to read, as follows:

16.76.030 Prohibited signs.

The following signs are inconsistent with the purposes and standards of this chapter and are, therefore, prohibited in all zoning districts:

- A. Abandoned signs in compliance with Section 16.76.080 (Abandoned signs) and/or dilapidated signs and sign structures;
- B. Banners, streamers, and pennants, except for those affixed to poles along the rights-of-way of commercial areas with an encroachment permit (Section 16.72.125) and revocable permit (Section 16.72.127) for purposes of civic identity or as specifically allowed by the provisions of Section 16.76.040(D) (Exemptions from sign permits);
- C. Bench signs, except at approved bus passenger loading areas;
- D. Inflated signs, balloons, and figures, except temporary signs specifically allowed by the provisions of Section 16.76.040(D) (Exemptions from sign permits);
- E. Obscene or offensive signs containing statements, words, figures or pictures of an obscene, indecent or immoral character which appeal to the prurient interest in sex, or which are patently offensive and do not have serious literary, artistic, political, or scientific value in accordance with Chapter 5.60 of the Municipal Code;

- F. Off-premises signs not specifically allowed by the provisions of Section 16.76.110 (Standards for off-premises signs);
- G. Signs painted on roofs;
- H. Portable signs (e.g., A-frame signs), except as provided by Section 12.80.010 of the Municipal Code;
- I. Roof signs extending above the eave of the roof or a parapet, whichever is higher, except for roof signs located on the Miracle Mile and Yosemite Street Village Shopping Area;
- J. A sign erected in a manner that a portion of its surface or supports would interfere with the free use of a fire escape, exit, or standpipe or obstruct a required ventilator, door, stairway, or window;
- K. Signs emitting audible sounds, odors, or visible matter;
- L. Signs that conflict with or imitate traffic control devices due to color, wording, design, location or illumination;
- M. Signs that interfere with the safe and efficient flow of vehicular and/or pedestrian traffic that adversely affect traffic safety;
- N. Signs on public property or projecting within the public right-of-way except as provided in Municipal Code Chapter 12.80;
- O. Signs placed on properties of public utility companies (light poles, telephone poles, utility poles, equipment containers, etc);
- P. Signs attached to or painted on motor vehicles or trailers that are parked on or adjacent to public or private property, the principal purpose of which is to attract attention to a product sold or to a business located on or near the property where the vehicle or trailer is located, except for company vehicles parked on an interim basis;
- Q. Graffiti as defined in Section 8.24.020(A) of the Municipal Code; and
- R. Signs not in compliance with the provisions of this chapter. (Ord. 015-09 C.S., eff. 12-3-09; Ord. 023-07 C.S. § 67; prior code § 16-360.030)

SECTION XXI: AMENDMENT OF CODE

Title 16, Chapter 16.76, Section 16.76.040 of the Stockton Municipal Code (SMC) is amended to read, as follows:

16.76.040 Sign permits.

- A. **Sign Permits Required.** To ensure compliance with the regulations of this chapter, a sign permit from the Building Division shall be required in order to erect, move, alter, or reconstruct any permanent or temporary sign, either on- or off-premises, except signs listed in subsection D of this section (Exemptions from sign permits), that are exempt from sign permits.
- B. **Approval of Sign Permits.** A sign permit application shall be filed with the Department for review and sign-off by the Director based on consideration of size, height,

and location, and other elements in compliance with the sign standards for specific types of on-premises signs (Section 16.76.100) and off-premises signs (Section 16.76.110) and the intent and provisions of this chapter. Specific types of signs may require a site plan review, land development permit, or use permit.

C. **Revocation of Sign Permits.** The Director may revoke or modify a sign permit, in compliance with Chapter 16.108 (Revocations and Modifications) if it is found that the sign(s) has been erected, altered, reconstructed, or is being maintained in a manner that is inconsistent with the approved sign permit.

D. **Exemptions from Sign Permits.** Sign permits shall not be required for the following allowed signs provided the sign does not require electrical work. Exempt signs shall not be included in the determination of the total allowable number of signs or total allowable sign area for a site/use.

1. **Permanent Signs Without Specific Size Limitation.** The following signs are exempt from sign permit review subject to the following limitations:

- a. Official and legal notices required by a court or governmental agency.
- b. A sign erected and maintained in compliance with, and in discharge of, a governmental function or required by a law, ordinance, or governmental regulation, including signs erected by a public utility.
- c. Signs on licensed commercial vehicles, including trailers, provided that the vehicles or trailers shall not be used as parked or stationary outdoor display signs.
- d. Bench and other signs located at designated public transit locations as authorized by Council franchise or revocable permit.
- e. Changes to existing sign copy.
- f. Memorial signs installed by, or with the approval of, a governmental agency, including signs and markers for historic landmarks or districts or points of interest.
- g. Artist renderings or paintings on fences or structures or sculpture or other art work shall only be allowed on private property with the permission of the owner of the property and on public property with the permission of the appropriate governmental body.
- h. Flags of the United States, California, San Joaquin County, the City of Stockton, or other governmental entities.

2. **Permanent Signs Limited by Maximum Size.** The following signs are exempt from sign permit review subject to the following limitations:

- a. Nameplates not exceeding three (3) square feet in area per one-family unit, duplex, triplex, fourplex, cottage court, and townhouse. Nameplates shall have Arabic numbers a minimum of four (4) inches in height and of a contrasting color to the background to which they are attached; illumination shall not exceed 25 watts.
- b. Nameplates, limited to unit number, not exceeding one (1) square foot in area per multifamily unit. Nameplates shall have Arabic numbers a minimum of four (4) inches in height if illuminated or six (6) inches in height if

nonilluminated. Numbers shall be of a contrasting color to the background to which they are attached.

c. One (1) sign per entrance shall be allowed for nonresidential uses not exceeding six (6) square feet and limited to the hours of operation, address, and emergency information for the business.

d. Interior window signs that do not exceed five (5) square feet (includes flashing and/or moving displays/signs in compliance with Section 16.76.100(D)(1) (Electronic message boards and flashing/moving displays/signs)).

e. All painted signs shall comply with the standards of this chapter and the requirements for wall signs (Section 16.76.100(J)), subject to review by the Director.

3. **Temporary Signs Limited by Size and Period of Display.**

a. **Real Estate Signs.** Real estate signs offering property for sale, lease, or rent are allowed in any zoning district on the property being advertised or on real property owned by others with their consent, subject to the following limitations:

i. For one-family dwellings, duplexes, triplexes, and townhouses, one (1) sign per street frontage, not to exceed six (6) square feet in area and six (6) feet in height.

ii. For multifamily dwellings, one (1) sign per street frontage not to exceed 40 square feet in area and six (6) feet in height, or as otherwise approved by the Director.

iii. For individual commercial, office, and industrial properties not located in a commercial center or industrial/business park, one (1) sign per street frontage not to exceed 40 square feet in area and six (6) feet in height.

iv. One (1) sign per street frontage, not to exceed 40 square feet in area and six (6) feet in height, shall be allowed to advertise the sale, rent, or lease, of tenant space(s) within a multitenant commercial center, office structure, or industrial subdivision. In addition, one (1) sign for each tenant space available not to exceed six (6) square feet to be located at the individual tenant space for rent or lease.

(A) Real estate signs may be placed on the site at the time of the listing or the availability of the rental space and shall be removed no later than the date of the completion of the sale or the signing of the lease.

(B) Signs advertising model homes and homes for sale within the subdivision where the sign is located.

b. **Garage Sale Signs.** Signs that announce the occurrence of a garage or yard sale may be allowed, provided that the signs shall:

i. Not exceed six (6) square feet in area;

ii. Only be displayed one (1) day before the sale and during the time of the sale and shall be promptly removed at the end of the sale; and

iii. Not be placed on any public property, in compliance with Section 16.76.030(N) (Prohibited signs).

c. **Future Tenant Signs.** Future tenant identification signs that announce the future use of a project while under construction subject to compliance with the following limitations:

i. One (1) sign per street frontage except for projects having an excess of 500 lineal feet of street frontage, one (1) additional sign may be allowed;

ii. Signs shall be limited to a maximum of 40 square feet in area and six (6) feet in height. Maximum of 50 square feet if combined with a construction sign; and

iii. Signs shall be removed before occupancy of the site.

d. **Construction Signs.** Signs that provide the names of the architects, engineers, and contractors working on the site of a development project subject to compliance with the following limitations:

i. One (1) sign per street frontage not to exceed 40 square feet in area with a maximum height of six (6) feet. Maximum size of 50 square feet in area if combined with a future tenant sign; and

ii. Signs shall be removed before first occupancy of the site.

e. **Temporary Commercial Advertising/Promotional Signs and Devices.** Temporary advertising/ promotional signs painted on a window or constructed of paper, cloth, or similar disposable materials, windblown devices (e.g., pennants, streamers, and banners), and inflatable devices may be allowed for commercial uses subject to the following limitations:

i. Signs and other devices may be displayed for a maximum of 15 days on six (6) separate occasions within a 12-month period to promote a particular event, sale, or product;

ii. The total area of all temporary signs and banners shall not exceed 100 square feet per business; and

iii. Tethered balloons and inflatable devices may exceed the zoning district maximum height requirement.

f. **Temporary Business Identification Signs.** Until permanent signs can be erected, a maximum of two (2) temporary signs for the identification of a new business or a change in the name of the business, are allowed for a period not to exceed 90 days. A one (1) time extension of 30 days may be granted by the Director. Maximum sign area is limited to 32 square feet.

4. **Temporary Signs Without Specific Size Limitations.**

a. **Temporary Political Signs.** Temporary political signs shall comply with the following standards:

i. Signs shall be allowed on private property in any zoning district subject to the owner's permission;

- ii. Signs shall not be located in a public right-of-way, easement, or on other governmental property dedicated to a public purpose;
 - iii. Signs shall not be located upon utility or telephone poles;
 - iv. Signs attached to a wall, fence, or structure shall not project more than six (6) inches from a wall, fence, or structure;
 - v. Every political sign that exceeds five (5) square feet shall have a corresponding statement of responsibility filed with the office of the City Clerk certifying a person who will be responsible for removing the sign and who will reimburse the City for any cost incurred to remove it, such certification being made upon forms prepared by the City; and
 - vi. Political signs shall be placed no earlier than 90 days prior to the scheduled election and shall be removed within seven (7) days of an election in compliance with the Municipal Code.
- b. **Holiday Decoration Signs.** Holiday decorations and holiday decoration signs shall not require a sign permit and are not subject to the requirements of this chapter. Holiday decoration signs shall be removed within three (3) days of the end of the holiday.
- c. **Temporary Special Event Signs.** A special event sign, balloon, or banner intended to inform the public of a unique happening, action, purpose, or occasion, (e.g., a community event) shall comply with the following standards:
- i. An organization may be allowed to display special event signs, balloons, or banners in any zoning district for a period of up to two (2) weeks. Periods up to 60 days may be approved by the Director if the applicant provides written justification;
 - ii. Special event signs shall not include promotional commercial advertising; and
 - iii. Special event signs shall be removed no later than three (3) days after the end of the special event.
- d. **Temporary Window Signs.** Each business establishment shall be allowed to have temporary window signs provided the signs are located on the inside of the window. (Ord. 2020-06-09-1501 C.S. § 18; Ord. 015-09 C.S., eff. 12-3-09; Ord. 001-08 C.S. §§ 17, 18; prior code § 16-360.040)

SECTION XXII: AMENDMENT OF CODE

Title 16, Chapter 16.76, Section 16.76.090 of the Stockton Municipal Code (SMC) is amended to read, as follows:

16.76.090 Illegal signs.

- A. **Illegal Signs in the Public Right-of-Way.** Illegal signs posted in the public right-of-way or upon public property may be removed by Public Works and/or the Police

Department without notice or hearing in compliance with Section 12.80.030 of the Municipal Code.

B. **Authority to Abate.** The Director is authorized to abate illegal signs on private property after five (5) days' notice.

C. **Authority to Remove.** The Director may cause the immediate removal, without notice, of any sign that becomes insecure, in danger of falling or is otherwise deemed unsafe by the code enforcement official.

D. **Recovery of Costs.** When the City is required to remove illegal signs in compliance with this section, the reasonable cost of the removal may be assessed against the owner of the sign(s) and/or the property owner. (Prior code § 16-360.090)

SECTION XXIII: 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, and chicken/duck enclosures in compliance with Section 16.80.060, which shall not exceed a height of seven (7) feet from grade. Flagpoles are limited to 15 feet within the setback area in compliance with Section 16.36.090(B)(6) (Flagpoles).
- c. **Materials and Color.** Detached accessory structures shall be compatible with the materials and color of the main dwelling(s) on the property whenever feasible.
- d. **Separation Requirements.** Detached accessory structures on a single parcel shall be separated from the main structure and other structures by five (5) feet or more, as required, except as allowed by the California Building Standards Code.
- 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. **Projection of Eaves, Unenclosed Patios, and Other Architectural Features.** Eaves, unenclosed patios, and other architectural features that do not increase the floor area of the structure; including but not limited, to decorative balconies and bay windows, belt courses, greenhouse windows, awnings, canopies, cornices, buttresses, ornamental features, and outside stairways, may project into the setback area in conformance with the following:
- (A) Side and Rear Yard. Maintain at least a two (2) foot area that is open and unobstructed from the ground upward between the side and rear property lines and the projection.
- (B) Street Side and Front Yard. Project up to four (4) feet into the front and street side setback area.
- 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).

vii. **Easements.** No portion of a permanent structure shall be allowed in an easement without the express written permission of all who have a right to that easement.

4. **Accessory Dwelling Units.** Accessory dwelling units shall be in conformance with Section 16.80.310 (Accessory dwelling units [ADUs] and junior accessory dwelling units [JADUs]).

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 Side, rear Street, side	Same as main structure 3 feet Same as main structure	Same as main structure 3 feet Same as main structure
Air conditioning equipment, water softener, water heater except as provided in Section <u>16.80.020(A)(3)(e)(i)</u>	Front Side, rear Street, side	Same as main structure 3 feet Same as main structure	Same as main structure 3 feet Same as main structure
Garage, carport, portable vehicle covers or shelters, except as provided in Sections <u>16.80.020(A)(3)(e)(iv)</u> and <u>16.36.110(F)</u>	Front Side Street side Rear Alley	20 feet 3 feet 20 feet 3 feet; if entrance faces right-of-way—20 feet 10 feet from alley	20 feet Same as main structure 20 feet Same as main structure 10 feet from alley

Residential Uses			
Detached Accessory Use/Structure	Type	Required Distance from Property Line	
		Single-Family, Duplexes, and Triplexes	Multifamily
Flagpoles in compliance with Sections <u>16.36.090(B)(6)</u> and <u>16.80.020(A)(3)(b)</u>	Front Side Street side Rear	5 feet 3 feet 5 feet 3 feet	5 feet 3 feet 5 feet 3 feet
Hot tubs, spas, swimming pools, except as provided in Section <u>16.80.020(A)(3)(e)(ii)</u>	Front Side Street side	Same as main structure 3 feet Same as main structure	Same as main structure 3 feet Same as main structure

Residential Uses			
Detached Accessory Use/Structure	Type	Required Distance from Property Line	
		Single-Family, Duplexes, and Triplexes	Multifamily
	Rear	3 feet	3 feet
Hot tub, pool and spa equipment, except as provided in Section <u>16.80.020(A)(3)(e)(iii)</u>	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 <u>16.80.020(A)(3)(e)(i)</u> and <u>16.76.110(F)</u> .	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	5 feet from alley	5 feet from alley

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, standard plans and specifications,

and design review.

3. **Short-term Accessory Outdoor Sales.** Motorized Mobile Sales and Services, Non-Motorized Mobile Sales, and Motorized Food Wagons.

a. **General.** All Short-term Accessory Outdoor Sales shall comply with the following:

- i. Be limited to one per parcel and have a floor area that is less than 25 percent of the floor area covered by the primary use;
- ii. Obtain a valid city business license;
- iii. If food or drink is served, comply with the requirements of the San Joaquin County Environmental Health Department;
- iv. If alcohol is served, comply with the requirements of Title 16 and Alcohol and Beverage Control.
- v. Be located on pavement per City standards;
- vi. Not utilize, or be located on, parking spaces required for the primary use;
- vii. Not interfere with access, aisles, circulation, driveways, or fire lanes and shall not operate in a place where the operation will create a traffic hazard.
- viii. Temporary Outdoor Sales located within a Public Park are subject to a Special Events Permit pursuant to Chapter 12.72.
- ix. Short-term Accessory Outdoor Sales located in the public right-of-way are subject to Title 5.

b. **Motorized Food Wagons.** Motorized food wagons, as defined in Division 8, shall be allowed as an outdoor accessory use in a commercial and industrial zoning districts in compliance with the following:

- i. Be limited to one per parcel and have a floor area that is less than 25 percent of the floor area covered by the primary use;
- ii. Be accessory to a primary use excluding Auto/Vehicle Services: Inoperable Vehicle Storage, Auto/Vehicle Services: Parking Facilities, Auto/Vehicle Services: Vehicle Storage;
- iii. Use of motorized food wagons during events, shall be permitted subject to Chapter 16.164 (Temporary Activity Permits) or Chapter 12.72 (Special Event Permit).
- iv. Use of a public right-of-way shall be allowed in compliance with Section 5.72.060 of the Municipal Code.

c. **Motorized Sales and Services.** Motorized Sales and Services, as defined in Division 8, shall be allowed as an outdoor accessory use in a commercial and industrial zoning districts in compliance with the following:

- i. Be limited to one per parcel and have a floor area that is less than 25 percent of the floor area covered by the primary use;
- ii. Be accessory to a primary use excluding Auto/Vehicle Services: Inoperable Vehicle Storage, Auto/Vehicle Services: Parking Facilities, Auto/Vehicle Services: Vehicle Storage;
- iii. Use of motorized sales and services during events, shall be

permitted subject to Chapter 16.164 (Temporary Activity Permits) or Chapter 12.72 (Special Event Permit).

- iv. Use of a public right-of-way shall be allowed in compliance with Section 5.72.060 of the Municipal Code.
 - d. **Non-Motorized Mobile Sales.** Non-Motorized Mobile Sales, as defined in Division 8 (Glossary), shall be allowed as an outdoor accessory use in public facility and commercial zoning districts, in compliance with the following:
 - i. Provide sufficient room surrounding any merchandise display to allow for accessibility and to meet fire codes and ADA requirements;
 - ii. Not interfere with pedestrian movement or create a pedestrian hazard;
 - iii. Use of a public right-of-way shall be allowed in compliance with Section 5.08.280 of the Municipal Code.
 - e. **Temporary Non-Mobile Sales.** Temporary Non-Mobile Sales, as defined in Division 8, shall be allowed as an outdoor accessory use in public facility and commercial zoning districts in compliance with the following:
 - i. Temporary Non-Mobile Sales are limited to occurring no more than eight (8) days per calendar year. For a time period greater than eight (8) days, a Temporary Activity Permit will be required subject to the restrictions of Chapter 16.164.
 - ii. Temporary Non-Mobile Sales in public right-of-way shall be subject to Title 5.
 - f. **Christmas Tree/Holiday Sales Facilities.** Temporary Christmas tree, pumpkin patch, and other holiday sales shall operate consistent with Section 16.80.110 (Christmas tree/holiday sales facilities).
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;
1. Not located in a required setback area, except as provided for in Section 16.36.120 (Site coverage measurements and exceptions);
 - i. Not adversely impacting circulation or increase the required number of parking spaces; and
 - ii. 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 I(1) of this section, the level of review for the accessory use shall be the same as the level of review required for the primary use. (Ord. 2020-12-01-1502 C.S. § 29; Ord. 2020-09-15-1501 § 8; Ord. 2020-06-09-1501 C.S. § 19; Ord. 2014-07-29-1601 C.S. § 3; Ord. 015-09 C.S., eff. 12-3-09; Ord. 001-08 C.S. §§ 19, 20; Ord. 023-07 C.S. §§ 79—82; prior code § 16-365.020)

SECTION XXIV: AMENDMENT OF CODE

Title 16, Chapter 16.80, Section 16.80.165 of the Stockton Municipal Code (SMC) is added to read, as follows:

16.80.165 Funeral facilities and services.

A. **Purpose.** This section provides development standards for the establishment of facilities providing internment services as defined in Chapter 16.240 (Definitions). The purpose of these standards is to control objectionable effects of funeral facilities and services. These standards shall apply to all new funeral facilities and services or establishments requiring consideration and approval of a use permit or land development permit under the Development Code for the purpose of achieving the following objectives:

1. Protect surrounding neighborhoods from potential harmful effects and to minimize the adverse impacts of nonconforming and incompatible uses.
2. Ensure that funeral facilities and services are not the source of undue public nuisances in the community.
3. Ensure that sites for funeral facilities and services are conducted and properly maintained so that negative impacts generated by these activities are not harmful to the surrounding environment in any way.

The provisions of this section are intended to complement the State of California funeral-

related laws. The City does not intend to replace or usurp any powers vested in the California Department of Consumer Affairs Cemetery and Funeral Bureau.

B. Standards of Approval.

1. Location Requirements.

- a. All Crematoriums shall be a minimum of 500 feet from any residential use, school or childcare center. The distance shall be measured from the nearest portion of the crematorium building to the nearest portion of the residential, school, or childcare center parcel.

2. Standards. The following conditions may be imposed by the applicable Review Authority:

- a. Crematoriums shall be established as either for human or pet purposes but not both.
- b. Crematoriums may accept bodies from multiple funeral home clients.
- c. All activity relating to the dead shall be handled discreetly and be screened from public view to the maximum extent possible, including delivery and storage of the remains.
- d. Crematoriums shall not be used for the disposal of any waste materials.
- e. Crematoriums shall not emit any visible air emissions nor generate odors which are discernable beyond their lot lines.
- f. The applicant or applicant's representative for a Crematorium shall submit a report on the proposed cremation equipment including emission control devices and chimney stack height. Such presentation shall include plans for ongoing emission monitoring and performance testing and documentation that all emissions fall within accepted industry practices and meet all applicable state or federal air quality standards.
- g. Crematoriums shall be constructed, installed, operated and maintained in accordance with all manufacturers' specifications and all applicable federal, state and local permits, as amended.
- h. Prior to the issuance of a certificate of occupancy for any Crematorium, the operator shall provide documentation to the city that all applicable federal, state and local permits have been obtained.

SECTION XXV: AMENDMENT OF CODE

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

16.80.210 Mobilehome parks and subdivisions.

A. **Location Criteria.** Mobilehome parks may be permitted in zoning districts identified by Table 2-2 (Allowable Land Uses and Permit Requirements) that comply with the following locational criteria:

1. Access to the mobilehome park shall be directly to a major arterial street or within 500 feet of freeway access ramps (major streets are defined and located in the Circulation Element of the General Plan).

B. Development Standards.

1. General.

- a. **State and Federal Requirements.** The following local standards are supplemental to the State of California Mobilehome Act or Federal Housing

Administration (where applicable) standards and do not relieve the developer from complying with those State or Federal standards not covered herein. These standards are enforced by the California Department of Housing and Community Development, Division of Building and Housing Standards (hereafter “State” regarding section 16.80.210).

b. **Waiver of Standards.** Any modifications or waivers to local standards shall be permitted only where the developer can substantiate to the Planning Commission, or City Council on appeal, that there are exceptional or extraordinary circumstances preventing compliance with the standard and where the waiver will not prove detrimental to the surrounding neighborhood or public welfare.

2. **Mobilehome Park Area and Setback Requirements.**

a. Mobilehome spaces, buildings, parking or recreational areas, and other structures shall be set back a minimum of 20 feet from all property lines along public streets.

3. **Parking.**

a. One (1.5) automobile parking space shall be required for each mobilehome unit. One space shall be required for resident use and ½ space shall be required for guest parking.

b. Supplemental storage areas shall be required for boats, campers, travel trailers, and similar recreational vehicles if such vehicles are permitted to be kept within the mobilehome park.

c. Parking located outside of the mobilehome facility and not under the authority of the State, shall be reviewed in compliance with SMC Chapter 16.64 (Off-Street Parking and Loading Standards).

4. **Landscaping.** All areas outside of the mobilehome park, and not under the authority of the State, shall be landscaped and maintained in accordance with SMC Chapter 16.56 (Landscaping).

5. **Other Improvements.**

a. Complete frontage improvements shall be installed along public rights-of-way as required by the City Engineer.

b. Applicable multifamily housing impact fees shall be paid as required by ordinance.

c. Storm water drainage, sanitary sewer, and water systems shall be installed to City standards at locations required by the City Engineer.

d. All applicable overhead utilities shall be installed underground pursuant to adopted City standards. Individual overhead utilities shall not be permitted.

e. Land shall be dedicated or in-lieu fees paid to the City for neighborhood facilities as required in Section 16.84.080 (Fees).

f. A six (6) foot high solid masonry wall shall be provided around the entire perimeter of the mobilehome park subject to compliance with the setback requirements of Chapter 16.48 (Fences, Hedges, and Walls) and the engineering specifications of the City Building Code.

g. Should fire services not be provided by the State, facilities for fire protection within the mobilehome park shall be installed to City standards at

locations designated by the City Fire Chief.

h. All outdoor storage and garbage collection areas shall be enclosed with a solid six (6) foot high fence in compliance with Section 16.36.130 (Solid waste/recyclable materials storage).

6. Operational Standards.

a. An accessory service use such as a laundromat is permitted within the mobilehome park, for use of the residents. In mobilehome parks with 100 or more spaces, incidental business uses may be permitted as part of the project approval.

b. Mobilehomes may be sold within the mobilehome park by the owner provided they are located on a mobilehome space, and not more than one (1) mobilehome which is for sale shall be placed on any one (1) space.

c. The renting of mobilehomes in a mobilehome park is prohibited unless the mobilehome bears the insignia of the State of California Division of Building and Housing Standards and is licensed by the Division for this purpose.

7. Enforcement.

a. The enforcement agency is the State of California Department of Housing and Community Development, Division of Building and Housing Standards. Prior to any construction on a mobilehome park, plans and specifications shall be submitted and approved by the enforcement agency.

b. The regulations in this section shall be considered supplementary to the rules and regulations of the State of California Department of Housing and Community Development (Title 25, California Administrative Code, Chapter 5, "Mobilehome Parks, Special Occupancy, Trailer Parks and Campgrounds").

(Ord. 015-09 C.S., eff. 12-3-09; prior code § 16-365.170)

SECTION XXVI: AMENDMENT OF CODE

Title 16, Chapter 16.80, Section 16.80.250 of the Stockton Municipal Code (SMC) is amended to read, as follows:

16.80.250 Outdoor dining and seating areas.

Outdoor dining and seating areas on private property (for public property see Section 16.72.127 (Revocable permit)) are allowed subject to the approval of a land development permit, in compliance with Chapter 16.136 and the following standards:

A. **Alcoholic Beverage Sales.** Areas in which alcoholic beverages are served shall comply with the standards established by the State Department of Alcoholic Beverage Control.

B. **Parking Requirements.** Outdoor dining and seating areas parking requirements shall be calculated in compliance with Chapter 16.64 (Off-Street Parking and Loading Standards) for restaurants. No additional parking shall be required for any dining or seating area within the right-of-way for purposes of calculating the required number of parking spaces.

C. **Cleanup Facilities.** Outdoor dining areas, whether part of a single restaurant or shared by several restaurants, shall provide adequate cleanup facilities, and associated procedures, in the following manner.

1. **Cleaning Schedule.** Outdoor dining areas shall be cleaned on a continual basis for removal of litter and food items which constitute a nuisance to public health and safety; and
 2. **Waste Receptacles.** Outdoor dining areas shall contain waste receptacles, which shall not be allowed to overflow, for use by the public and/or restaurant employees.
- D. **Compatibility.** To ensure compatibility with surrounding uses and a high standard of quality, the following standards shall apply:
1. **Compatible Elements.** Outdoor dining and seating areas and associated structural elements, awnings, covers, furniture, umbrellas, or other physical elements that are visible from public rights-of-way, shall be compatible with the character of the main structure(s);
 2. **Entertainment.** Outdoor dining and seating areas that provide dancing, entertainment, or amplified music shall comply with the noise standards in Chapter 16.60 (Noise Standards), and the requirements for live entertainment (Section 16.80.180);
 3. **Pedestrian Experience.** The use of awnings, plants, umbrellas, and other human scale elements is encouraged to enhance the pedestrian experience;
 4. **Potential Impacts.** Outdoor dining and seating areas and their relation to churches, hospitals, public schools, and residential uses shall be considered by the Review Authority. Proper mitigation measures shall be applied to eliminate potential impacts related to glare, light, loitering, and noise;
 5. **Obstructions.** Outdoor dining and seating areas shall not obstruct vehicular or pedestrian traffic flow and not necessitate the removal of existing pedestrian or vehicular movement areas; and
 6. **Barriers.** Appropriate barriers shall be placed between outdoor dining and seating areas and parking, traffic, and public and private streets. (Ord. 015-09 C.S., eff. 12-3-09; prior code § 16-365.220)

SECTION XXVIII: 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 (ADUs) and junior accessory dwelling units (JADUs).

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 (1) 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 otherwise provided.

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 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 Section 16.28.060 (Magnolia historic overlay district) and Section 16.220.070 (Landmarks), and instead, shall be subject to standards of the Citywide Design Guidelines.

4. An accessory dwelling unit located within a design review overlay district shall be subject to standards of the Citywide Design Guidelines.

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 (1) 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 (1) or more existing multifamily buildings, as defined in this section, a maximum of two (2) detached accessory dwelling units are permitted.

3. One (1) ADU or one (1) detached ADU and one (1) JADU internal to the primary residence may be constructed on lots with proposed or existing single-family dwellings in accordance with Government Code Section 65852.2I(1)(A) and (B).

4. When a parcel has been subdivided under Government Code Sections 65852.21, 66411.7, and 66452.6, only one (1) ADU per subdivided parcel shall be permitted.

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, 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 850 square feet, whichever is greater.
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.

F. 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.

G. 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.

H. 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.

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 shall, at a minimum, include a kitchenette as defined in

Section 16.240.020.

4. One (1) 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.
6. Owner-occupancy is required in the single-family residence in which the JADU will be permitted. The owner may reside in either the remaining portion of the structure or the newly created JADU. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.
7. Recordation of a deed restriction, which shall run with the land, shall be filed with the permitting agency, and shall include both of the following:
 - a. A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.
 - b. A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this Section.

(Ord. 2020-12-01-1502 C.S. § 31; 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)

SECTION XXVIII: AMENDMENT OF CODE

Title 16, Chapter 16.84.020, Section 16.84.020 of the Stockton Municipal Code (SMC) is amended to read, as follows:

16.84.020 Review Authority for land use and zoning decisions.

Table 4-1 (Review Authority) identifies the Review Authority (Director, Commission, or Council) responsible for reviewing and making decisions on each type of application, land use permit, and other entitlements required by this Development Code. Table 4-1 identifies which Review Authority is responsible for:

- A. **Decision.** Making a decision;
- B. **Recommendation.** Making a recommendation on the application request to another Review Authority; or
- C. **Appeal.** Reviewing the decision of the Review Authority about an application request.

The review authorities for subdivision decisions are listed in Table 6-1.

**TABLE 4-1
REVIEW AUTHORITY**

Type of Permit or Decision	Director	Planning Commission	City Council	Reference
Administrative exception	Decision	Appeal	Appeal	Chapter <u>16.112</u>

Certificates of appropriateness	Decision*	Appeal	Appeal	Section <u>16.220.060</u>
Design review	Recommendation	Decision***	Decision***	Chapter <u>16.120</u>
Design review districts	——	Recommendation	Decision	Chapter <u>16.124</u>
Development agreements	——	Recommendation	Decision	Chapter <u>16.128</u>
Development Code amendments	——	Recommendation	Decision	Chapter <u>16.116</u>
General Plan amendments	——	Recommendation	Decision	Chapter <u>16.116</u>
Home occupation permits	Decision	Appeal	Appeal	Chapter <u>16.132</u>
Interpretations	Decision	Appeal	Appeal	Chapter <u>16.08</u>

Land development permits	Decision	Appeal	Appeal	Chapter <u>16.136</u>
Master development plans	——	Recommendation	Decision	Chapter <u>16.140</u>

Minor Design Review	Decision	Appeal***	Appeal	Chapter <u>16.120</u>
Planned development permits	——	Decision**	Appeal	Chapter <u>16.144</u>
Precise road plans	——	Recommendation**	Decision	Chapter <u>16.148</u>
Site plan review	Issuance	——	——	Chapter <u>16.152</u>
Specific plans	——	Recommendation**	Decision	Chapter <u>16.156</u>
Street name changes	——	Recommendation**	Decision	Chapter <u>16.160</u>
Temporary activity permits	Decision	Appeal	Appeal	Chapter <u>16.164</u>
Tentative maps and time extension	——	Decision	Appeal	Chapter <u>16.188</u>

Tentative parcel maps and time extension	Decision	Appeal	Appeal	Chapter <u>16.188</u>
Use permits—Administrative	Decision	Appeal	Appeal	Chapter <u>16.168</u>
Use permit—Commission	——	Decision	Appeal	Chapter <u>16.168</u>
Variances	——	Decision	Appeal	Chapter <u>16.172</u>
Waiver	Decision	Appeal	Appeal	Chapter <u>16.176</u>
Zoning Map amendments	——	Recommendation	Decision	Chapter <u>16.116</u>

Notes: Decisions of the Director may be appealed to the Commission. The Director may defer action and refer the matter to the Commission. Decisions of the Commission may be appealed to the Council.

- * Recommendation from Cultural Heritage Board
- ** Recommendation from Development Review Committee
- *** Recommendation of Architectural Review Committee (ARC)
- *** Decision or Recommendation varies based on application (i.e., Architectural Review Committee, Commission, Council)

(Ord. 023-07 C.S. § 100; prior code § 16-410.020)

SECTION XXIX: AMENDMENT OF CODE

Title 16, Chapter 16.92, Section 16.92.170 of the Stockton Municipal Code (SMC) is amended to read, as follows:

16.92.170 Runs with the land.

A permit or entitlement 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 upon any change of ownership of the land, except for home occupation permits (Chapter 16.132). (Prior code § 16-430.170). Should the Development Code be amended to be less restrictive than the previous permit or entitlement provisions, the owner can request to process a future permit or entitlement under the new standards.

SECTION XXX: AMENDMENT OF CODE

Title 16, Chapter 16.120, Section 16.120.040 of the Stockton Municipal Code (SMC) is amended to read, as follows:

1. Signs.

- c. In residential zoning districts, one (1) freestanding ground sign identifying the name of the mobilehome park shall be permitted at the main entrance to the park subject to the following limitations:

- i. Nonmoving and nonflashing;
 - ii. Illumination shall be internal and not reflect or glare on adjacent residential development;
 - iii. Set back 10 feet from property lines;
 - iv. Maximum size of 64 square feet;
 - v. Maximum height of eight (8) feet; and
 - vi. Designed in harmony with park and fencing.
- d. In commercial zones, the identification signs comply with the sign regulations of that district.
 - e. Directional and similar type signs may be permitted within the mobilehome park as approved by the Commission.
 - f. Outdoor advertising structures (billboards) shall not be permitted within mobilehome parks.

16.120.040 Applicable Review Authority.

- A. **Nondiscretionary Administrative Projects.** Decisions do not require interpretation or exercise of policy or judgment in evaluating approval criteria because the decision is made according to objective criteria where no discretion is involved. Approval may be issued over the counter by staff. The director is the approval authority for nondiscretionary administrative actions. The action of the director is not subject to appeal.
- B. **Limited Discretion.** Minor design review approval or denial is based on discretionary standards that regulate the physical characteristics of a use or structure. Decisions must be consistent with the adopted criteria. Notice of decision is required with opportunity to request ARC review. The action of the director may be appealed.
- C. **Discretionary Projects.**
 - 1. **Council.** The Council shall be the applicable Review Authority for all discretionary projects authorized by this Development Code for review by the Council, or appealed to the Council in compliance with Chapter 16.100 (Appeals).
 - 2. **Commission.** The Commission shall be the applicable Review Authority for all discretionary projects authorized by this Development Code for review by the Commission, or appealed to the Commission in compliance with Chapter 16.100 (Appeals).
 - 3. **Director.** The Director, based on the recommendation of the ARC, shall be the applicable Design Review Authority for:
 - a. All certificates of appropriateness authorized by the Development Code, based on the recommendation of the Cultural Heritage Board; and
 - b. All discretionary projects authorized by this Development Code for review by the Director. (Ord. 015-09 C.S., eff. 12-3-09; Ord. 023-07 C.S. § 108; Ord. 002-06 C.S. § 1; prior code § 16-515.040)

SECTION XXXI: AMENDMENT OF CODE

Title 16, Chapter 16.162, Section 16.162.030 of the Stockton Municipal Code (SMC) is amended to read, as follows:

16.162.030 Applicability.

A. Permit Required.

1. A permit from the Director shall be required for anyone, including a utility company operating under a franchise granted by the City of Stockton, to plant, remove or effectively remove, replace, or relocate a street tree.
2. The application fee will be waived for the removal of street trees and stumps on the Public Works tree and stump removal list that are subject to a backlog in removal.

B. Permit Not Required. A permit shall not be required:

1. **To Trim, Prune, or Maintain a Street Tree.** Maintenance of trees includes deep root watering; root pruning; installing root barriers; clearance and structural trimming; fertilizing; pest control; removal of mistletoe, dead branches, leaves, and other debris; and the removal of branches to ensure visibility of traffic signs or the movement of pedestrians on sidewalks or vehicles on streets. Maintenance does not include the removal or effective removal of a street tree as defined in Section 16.240.020 (Definitions).
2. For the planting of trees in compliance with a City approved plan. (Ord. 015-09 C.S., eff. 12-3-09)

SECTION XXXII: AMENDMENT OF CODE

Title 16, Chapter 16.228, Section 16.228.040 of the Stockton Municipal Code (SMC) is amended to read, as follows:

16.228.040 Provisions for nonconforming uses, structures, and parcels.

A. **Nonconforming Uses.** In addition to the nonconforming uses identified in nonconforming uses and/or structures in subsection C of this section, nonconforming uses may be continued in compliance with the following provisions:

1. **Nonconforming Uses of Land.** A nonconforming use of land may be continued, maintained, sold, or transferred, provided that the use shall not be enlarged or increased in any manner (e.g., area, space, volume, or occupant load) nor be extended to occupy a greater area than it lawfully occupied before becoming a nonconforming use, except as provided by this chapter.
2. **Nonconforming Use of a Conforming Structure.** The nonconforming use of a structure that otherwise conforms with applicable provisions of this Development Code may be continued, maintained, sold, or transferred, as follows, provided that the only structural alterations are those required by law:
 - a. **Expansion of Use.** The nonconforming use of a portion of a conforming structure may be extended to other portions of the existing structure subject to an administrative use permit in compliance with Chapter 16.168 (Use Permit), provided the expansion shall not:
 - i. Be granted more than one (1) time; however, additional expansion will be reviewed on a case-by-case basis by the Director and will be processed with a commission use permit;
 - ii. Exceed a maximum of 25 percent of the total floor area of the structure before the expansion; and
 - iii. Create a new nonconformity or expand the existing nonconformity in a

way that impacts public health and safety (i.e., noise, light, dust, access).

- b. **Use.** The nonconforming use of a conforming structure may add additional uses allowed in the same zoning district as the existing use is allowed and for which applicable permits are obtained.

B. Nonconforming Structures. In addition to the nonconforming structures identified in nonconforming uses and structures in subsection C of this section, the following nonconforming structures may continue subject to the following provisions:

- 1. **Changes to a Structure.** The addition, enlargement, extension, reconstruction, relocation, or structural alteration of a nonconforming structure, may only be allowed in compliance with the following provisions:

- a. **Changes to a Nonconforming Structure.** The alteration, extension, expansion, or enlargement of the area within a nonconforming structure, or the addition of a structure(s) used in conjunction with a nonconforming structure, may only be allowed under the following circumstances:

- i. Any alteration (e.g., a simple cosmetic or structural change which does not include an addition or expansion to the structure's building envelope) to a nonconforming structure shall be allowed without limitation or restriction except for compliance with all current applicable building, health, and safety standards;

- ii. To the extent required by a subsequently enacted or adopted law, ordinance, or regulation, as determined by the Director;

- iii. Additions may be made to an existing nonconforming structure, which is designed for and used exclusively as a single-family residence, duplex, or triplex, as defined in Chapter 16.240 (Definitions), provided the additions:

- (A) Provide parking in compliance with Table 3-9 (Parking Requirements by Land Use), unless existing physical constraints limit the amount of parking that can be provided and a waiver is granted by the Director.

- (B) Shall not:

- (1) Increase the number of dwelling units in the structure;

- (2) Occupy the only portion of a site, which can be used for required parking space or necessary access;

- (3) Encroach into, or increase the encroachment of, a setback area; or

- (4) Increase area coverage beyond that allowed by this Development Code, or to a percentage greater than already exists if the structure is presently nonconforming in terms of allowable area coverage.

- iv. Additions may be made to a nonresidential structure that is nonconforming only because the structure does not comply with one or more property development standards and is not in violation of any other provisions of this Development Code provided the addition complies with all applicable development standards (e.g., height, setbacks, fences, landscaping, etc.) of this Development Code. The existing structure and related portion of the parcel are not required to be brought into compliance with this Development Code.

- b. **Relocation.** If a nonconforming structure is moved/relocated for any reason for any distance, the structure shall conform to the applicable provisions/standards of the zoning district in which it is located.
 - c. **Modifications.** The additions allowed by subsection (B)(1) of this section (Changes to a structure) shall not be interpreted to authorize the adjustment or modification of any provision of this Development Code. Any adjustment or modification would require the approval of a variance in compliance with Chapter 16.172.
- 2. **Change in Use of Nonconforming Structures.** The use of a legal nonconforming structure may be changed to any use allowed in the zoning district in which it is located, provided it meets the requirements, provisions, and standards identified for that use.
- 3. **Maintenance and Repair.** A nonconforming structure may undergo ordinary and necessary maintenance and repairs in compliance with the following provisions:
 - a. Where necessary to keep the structure(s) in condition to meet applicable building, health, and safety codes;
 - b. Where there are no structural alterations; and
 - c. Where the work is limited to replacement of existing materials with similar materials placed in a similar manner.
- 4. **Seismic Retrofitting/Building Code Compliance.** Repairs or alterations otherwise required by law shall be allowed in compliance with the following provisions:
 - a. **Unreinforced Masonry Structures.** Unreinforced masonry structures which require alteration or demolition to comply with local or State requirements to add seismic strengthening to existing structures, may be repaired or reconstructed, regardless of any nonconformity, provided the reconstruction is allowed by the Building Code; and
 - b. **Building Code Requirements.** Reconstruction required to comply with Building Code requirements shall be allowed, without cost limitations, provided the retrofitting/Code compliance is limited exclusively to compliance with earthquake safety standards, as identified in subsection (B)(4)(a) of this section(Unreinforced masonry structures), health and safety regulations (e.g., repair or reconstruction to correct a serious health and/or safety violation, etc.), and other applicable Building Code requirements, including State law (e.g., Title 24, California Code of Regulations, etc).
- 5. **Parking Requirements.** The addition, enlargement, extension, reconstruction, relocation, structural alteration, or reestablishment or change in use of a structure that is nonconforming only because the structure does not comply with the parking and/or loading requirements of Chapter 16.64 (Off-Street Parking and Loading Standards), may be allowed in compliance with Section 16.64.050(F) (Nonconforming uses and structures).
- C. **Nonconforming Uses and/or Structures.** The following requirements shall apply.
 - 1. **Continued Use or Structure.** In addition to the nonconforming uses, subsection A of this section, and nonconforming structures, subsection B of this section, a nonconforming use or structure may continue subject to the following provisions:
 - a. **Public Uses.** A publicly-owned use or structure, including a fire station,

library, park, police station, school, and other public site(s), which does not comply with the required standards and provisions of this Development Code, may be added to, altered, or extended if the addition, alteration, or extension does not extend beyond the boundaries of the original site. Nothing in this chapter shall be construed to require the discontinuance, removal, or termination of a publicly-owned use or structure.

b. **Public Utilities.** A public utility use or structure, may be added to, altered, or extended if the addition, alteration, or extension does not change the use or extend beyond the boundaries of the original site. The public utility use or structure includes equipment or other facilities for operating purposes, which were legally established or constructed, but which do not comply with the provisions of this Development Code; it does not include offices, service centers, or yards. Nothing in this chapter shall be construed to require the discontinuance, removal, or termination of a public utility use or structure.

c. **Signs.** Legally established nonconforming signs shall be allowed to continue, subject to compliance with Section 16.76.070 (Nonconforming signs).

2. **Nuisances.** In the event that a legal nonconforming use or structure is found to constitute a public nuisance, the Director shall take the following appropriate action(s):

a. **Abatement.** Abatement in compliance with Section 1.36.040 of the Municipal Code.

b. **Revocation or Modification.** Revocation or modification in compliance with Chapter 16.108 (Revocations and Modifications).

c. **Use Permit.** Refer any written complaint to the Commission that:

- i. Is filled by an aggrieved person; or
- ii. Alleges that the nonconforming use has become a public nuisance either through a decline in appearance; through the emission of noise, smoke, or vibrations; or by becoming a persistent police problem through the conduct of its operations.

The Commission may require the removal of the nonconforming use after a public hearing.

3. **Unlawful Uses and Structures.**

a. Uses and structures which do not comply with the applicable provisions of this Development Code or prior planning and zoning regulations when established are violations of this Development Code and are subject to the provisions of Chapter 16.224 (Enforcement).

b. The right to continue occupancy of property containing an illegal use or structure is not granted by this chapter.

c. The activity shall not be lawfully allowed to continue unless or until permits and entitlements required by this Development Code and the Municipal Code are first obtained.

D. **Nonconforming Parcels or Zoning District Areas.** Except as otherwise provided in this Development Code, nonconforming parcels or zoning districts shall comply with the following:

1. **Reduction in Parcel Size—Prohibited.** Where structures have been erected on

a nonconforming parcel, the parcel shall not be later divided so as to reduce the building site area and/or frontage below the requirements of the applicable zoning district or other applicable provisions of this Development Code, or that makes the use of the parcel more nonconforming.

2. **Two (2) or More Adjoining Parcels Under One (1) Ownership.**

a. **Single Ownership.** If two (2) or more adjoining parcels, or a combination of parcels or portions of parcels, with continuous frontage in single-ownership do not meet the minimum requirements established for parcel area or width, the land involved shall be considered to be a single building site for purposes of this paragraph (Single ownership).

b. **No Reduction in Compliance.** Any portion of the building site shall not be used or sold in a manner, which reduces the degree of compliance with parcel area or width requirements for the zoning district in which the parcel(s) is located.

c. **Further Division—Prohibited.** Any division of a parcel shall not be made which creates a parcel area or width below the minimum requirements for the zoning district in which the parcel(s) is located.

3. **Substandard Parcels or Zoning District Areas.** Existing substandard parcels or land areas not meeting the zoning district area requirements for the CL or CA zoning district may be developed and existing structures on the parcel or zoning district area may be added to, enlarged, extended, reconstructed, relocated, or structurally altered, provided any use or structure(s) is in compliance with all provisions, other than parcel or zoning district area size, of this Development Code. (Ord. 023-07 C.S. §§ 130, 131; prior code § 16-750.040)

SECTION XXXIII: AMENDMENT OF CODE

Title 16, Chapter 16.228, Section 16.228.060 of the Stockton Municipal Code (SMC) is amended to read, as follows:

16.228.060 Loss of nonconforming status.

The nonconforming status shall no longer apply to a use or structure in the following circumstances:

A. **Exemptions.** The following uses and structures shall maintain their nonconforming status if they are involuntarily damaged, demolished, or destroyed:

1. **Residential Dwelling Units.** Residential dwelling units (e.g., single- and multifamily, duplexes, triplexes, and townhouses) and their ancillary parking structure and other accessory structures are exempt from the requirements of this section and may be rebuilt provided:

a. The original structure(s) is legally nonconforming;

b. The extent of the nonconformity is not increased in compliance with the following:

i. The structure(s) may be rebuilt using the same development standards applied to the damaged, demolished, or destroyed structure(s) (e.g., building envelope, density, height, and number of dwelling units), and

- ii. The structure(s) shall be rebuilt in the same footprint (location and size) as the damaged, demolished, or destroyed structure(s), except if relocating the structure(s) would allow the same sized structure(s) to meet current setback requirements;
- c. Reconstruction begins within 12 months of the structure(s) being damaged, demolished, or destroyed and is diligently pursued to completion; and
- d. The new structure(s) meets all current applicable building, health, and safety standards.

2. **Nonresidential Structures Deemed Nonconforming as a Result of a Street Widening.** Nonresidential structures deemed nonconforming as a result of a street widening may be rebuilt provided all of the following criteria are met:

- a. The only reason for the nonconformity is that:
 - i. The setback requirements are not met due to the widening of the street; and/or
 - ii. The requirements for parking or landscaping are not met due to the widening of the street;
- b. The structure is reconstructed within its original nonconforming setback;
- c. Reconstruction begins within 12 months of the structure being damaged or destroyed and is diligently pursued to completion; and
- d. The new structure meets all current building, health, and safety standards.

B. **Termination by Change of Use.** Changing a nonconforming use to a conforming use.

C. **Termination by Discontinuance.** Except when extended in compliance with this chapter or the provisions of Chapter [16.168](#) (Use Permits), discontinuance of a nonconforming use or structure, nonconforming due to use, shall result in the use or structure losing its nonconforming status if the use is ceased or discontinued for a continuous period of at least one-year from:

- 1. **Voluntary.** The date the use is voluntarily ceased or discontinued; or
- 2. **Involuntary.** The date the owner is notified of the requirement to reestablish the involuntarily discontinued use.
- 3. **Extension.** The owner may request a one-year extension if evidence shall be submitted to the Community Development Department indicating the owner has made a “good faith” effort to continue the nonconforming use. Evidence can include leasing agreements, occupancy or building records, and marketing brochures. Only one extension can be granted and will be based on the *Voluntary* or *Involuntary* date as shown above.

D. **Termination by Destruction.** A nonconforming structure(s), or a conforming structure(s) used for a nonconforming use, involuntarily damaged, demolished, or destroyed may be repaired or rebuilt and re-occupied only as follows:

1. **Cost of Repair—Not Exceeding 50 Percent.** If the cost of repairing or replacing the damaged portion of the structure(s) does not exceed 50 percent of its market value as determined on the last equalized assessment roll at the time of destruction or by an appraisal which was prepared within the last 12 months by a licensed appraiser, whichever is greater, the structure may be restored and the use continued, provided the following conditions are met:

- a. **Building Code.** The reconstruction meets current Building Code requirements; and
- b. **Commencement Within 12 Months.** Reconstruction begins within 12 months of the date of damage, unless otherwise allowed by the Director, and is diligently pursued to completion.

2. **Cost of Repair—Exceeding 50 Percent.** If the cost of repairing or replacing the damaged portion of the structure(s) does exceed 50 percent of its market value as determined on the last equalized assessment roll at the time of destruction or by an appraisal which was prepared within the last 12 months by a licensed appraiser, whichever is greater, the structure may not be restored and the use continued, except as otherwise provided in this chapter. (Ord. 023-07 C.S. § 132; prior code § 16-750.060)

SECTION XXXIV: AMENDMENT OF CODE

The following sections of Title 16, Chapter 16.240, Section 16.240.20 of the Stockton Municipal Code (SMC) glossary are amended as follows:

16.240.020 Definitions of specialized terms and phrases.

As used in this Development Code, the following terms and phrases shall have the meaning ascribed to them in this section, unless the context in which they are used clearly requires otherwise. These definitions are in alphabetical order. Land uses listed in Table 2-2 are indicated by a † before the definition of the particular land use.

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

† **Artisan Food and Beverage.** Small-scale (maximum 3,500 gross square feet) indoor production or preparation of food made on site with limited to no automated processes involved and may include direct sales to or consumption by consumers. This definition includes uses such as small-batch bakeries, micro-breweries (manufacturing 15,000 barrels per year or less), craft distilleries (manufacturing 150,000 gallons per year or less), boutique wineries (5,000 cases per year or less), small-batch candy shops, coffee roasting, and local cheese makers that produce little to no vibration, noise, fumes, or other nuisances. This use may or may not have outdoor seating or patio as an accessory use subject to Section 16.80.250. Does not include Food and Beverage Product Manufacturing (Land Use).

Downtown Core. The area of the City of Stockton bounded by Park Street, Union Pacific Railroad tracks, the Crosstown Freeway, and Interstate 5 as illustrated by the Stockton 2040 General Plan.

† **Food and Beverage Product Manufacturing (Land Use).** Manufacturing

establishments packaging, repackaging, production, or processing of an edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for animal or human digestion, or certain related products. This definition includes uses such as:

bakeries	fats and oil product manufacturing
bottling plants	fruit and vegetable canning, preserving, and related processing
breweries	grain mill products and by-products
candy, sugar and confectionery products manufacturing	prepared meat products
canneries	sausage
catering services separate from stores or restaurants	soft drink production
	wineries
coffee roasting	miscellaneous food item preparation from raw products
dairy products manufacturing	

May include tasting and accessory retail sales of beverages produced on site. Does not include a tasting facility separate from the manufacturing facility where alcoholic beverages are tasted (“Alcoholic beverage sales—Bars and nightclubs”) or where beverages are nonalcoholic (“Restaurant”); bakeries which sell all products on-site (“Retail stores”); beer brewing as part of a brew pub, bar, or restaurant (“Bars and nightclubs”); meat, poultry, and seafood canning, curing, byproduct processing (“Manufacturing, heavy manufacturing—Canning and kindred food products manufacturing”); the killing/slaughtering of animals, or rendering plants (“Major impact facilities”); or Artisan Food and Beverage.

† **Funeral Facilities and Services (Land Use).** Facilities providing interment services. Includes:

1. **Cemeteries (Land Use).** Establishments engaged in subdividing property into cemetery lots and offering burial plots or air space for sale. Includes animal cemeteries; cemetery, mausoleum, cinerarium, and columbarium operations.
2. **Mortuaries (Land Use).** Establishment where deceased are prepared for burial or cremation, and funeral services may be conducted. Does not include crematoriums.
3. **Funeral Homes (Land Use).** Establishment where funeral services are conducted without preparation of deceased for burial or cremation. Excludes religious facilities.
4. **Crematorium (Land Use).** Establishment of a facility used for the incineration of human or animal remains, excluding activities related to funeral homes. Excludes activities related to mortuaries.

Greater Downtown. The area of the City of Stockton bounded by Harding Way, Charter Way/Martin Luther King Jr. Boulevard, Pershing Avenue, and Wilson Way as illustrated by the Stockton 2040 General Plan.

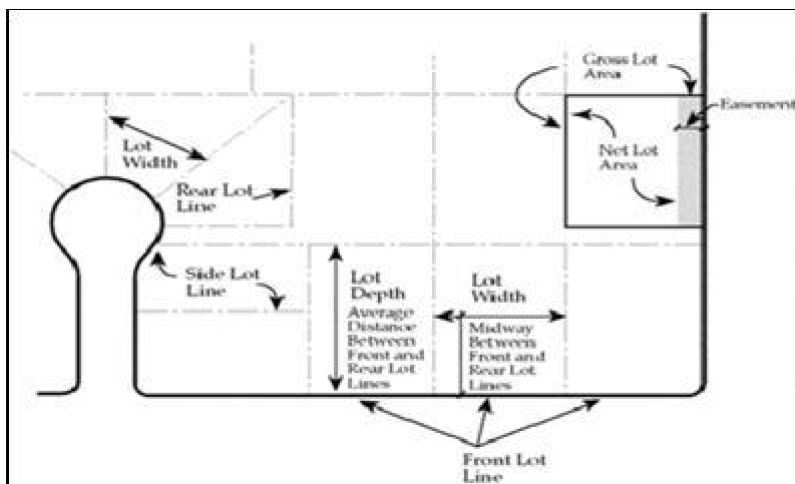


FIGURE 8-2 LOT FEATURES

Lot Line or Property Line. Any recorded boundary of a lot. Types of lot lines are as follows (see Figure 8-2 (Lot Features)):

1. **Front Lot Line.** On an interior lot, the property line separating the parcel from the street. The front lot line on a corner lot is the line adjoining the street to which the property is addressed. If a corner lot has an address on more than one (1) 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.

† **Handcraft Industries, Small-Scale Manufacturing (Land Use).** Application, teaching, making, or fabrication of crafts or products by an artist, artisan, or craftsperson either by hand or with minimal automation and may include direct sales to consumers. This definition includes uses that employ activities and processes such as small-scale (maximum 3,500 square feet) fabrication, welding, and coating, that are typically not permitted in non-industrial zoning districts. Includes establishments manufacturing and/or assembling small products primarily by hand, including jewelry, pottery, and other ceramics, as well as small glass and metal art and craft products. Also includes manufacturing establishments not classified in another major manufacturing group, including: brooms and brushes; buttons, costume novelties; jewelry; musical instruments; pens, pencils, and other office and artists' materials; sporting and athletic goods; toys; professional, controlling, and scientific instruments; monuments and headstones; and other miscellaneous manufacturing industries. This definition does not include Artisan Food and Beverage preparation or sales.

Miracle Mile. The Miracle Mile District generally includes all the businesses fronting on Pacific Avenue from Alpine Avenue to Harding Way, and those businesses on Harding Way from El Dorado Street to Lincoln Street as illustrated by the Stockton Citywide Design Guidelines.

Motorized Food Wagon. A motorized vehicle used for the purposes of preparing and/or immediately selling food which does not have a fixed place of business and is accessory to a primary use on the same private or public property. Includes taco trucks, food wagons, and ice cream wagons.

Motorized Mobile Sales and Services. A motorized vehicle used for the purposes of selling non-edible goods or merchandise or offering “Personal Services, Unrestricted” or “Animal Services, Pet Grooming,” which does not have a fixed place of business and is accessory to a primary use on the same private or public property.

† **Multifamily Dwellings (Land Use).** A building or a portion of a building used and/or designed as residences for five (5) or more living units that are independent of each other. Includes: apartments (five (5) or more units under one (1) ownership in a single building or complex); and common ownership, attached unit projects including condominiums. Also includes multifamily manufactured homes. Does not include duplexes, triplexes, fourplexes, and townhouses, which are separately defined.

Non-Motorized Mobile Sales. Any person who offers for sale and immediate delivery, any food, goods, or merchandise, from a moveable, non-motorized cart, push cart, or wagon, which is not attached to another structure, does not have a fixed place of business, and is accessory to a primary use on the same private or public property.

† **Research and Development (R&D) (Land Use).** Indoor facilities for scientific research, and the design, development, and testing of electrical, electronic, magnetic, optical, and mechanical components in advance of product manufacturing, that are not associated with a manufacturing facility on the same site. Includes chemical and biotechnology research and development. Does not include computer software companies (“Offices”); soils and other materials testing laboratories (“Business support services”); or medical laboratories (“Medical services—Clinics and labs”).

Setback. The distance by which a structure, parking area or other development feature must be separated from a lot line. Setbacks from private streets are measured from the edge of the easement. See also “Yard.” Figure 8-4 (Setbacks) shows the location of front, side, street side, rear, and interior setbacks.

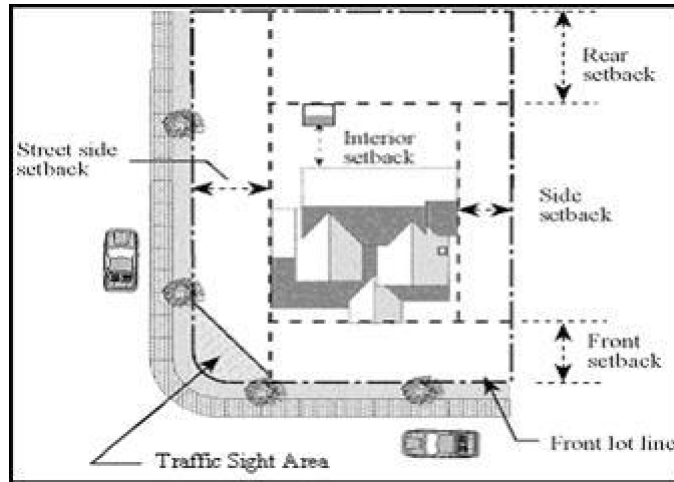


FIGURE 8-4 SETBACKS

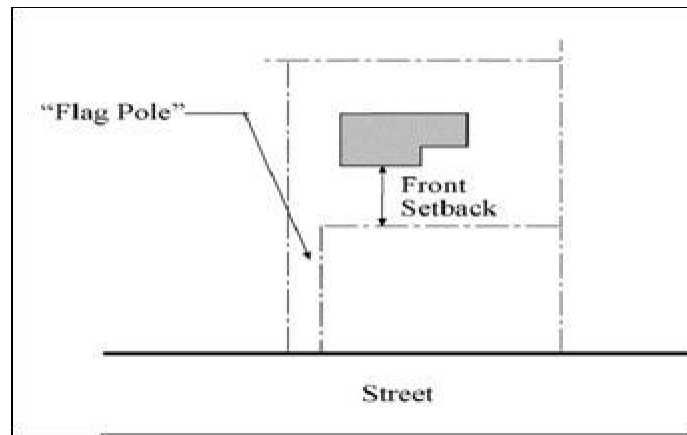


FIGURE 8-5 FLAG LOT SETBACKS

Temporary Non-Mobile Sales. Any person who sells any food, goods, or merchandise from a stationary table or stall, which is not attached to another structure, does not have a fixed place of business, and is accessory to a primary use on the same private property.

Yard. An area between a lot line and a setback, unobstructed and unoccupied from the ground upward, except for projections permitted by this Development Code. See Section 16.36.120 (Setback regulations and exceptions) and Figure 8-4 (Setbacks).

1. **Front Yard.** An area extending across the full width of the lot between the front lot line and the required setback.
2. **Rear Yard.** An area extending the full width of the lot between a rear lot line and the required setback.
3. **Side Yard.** An area extending from the front yard to the rear yard between the nearest side lot line and the required setback.

Yosemite Shopping Area. The area zoned CN including the parcels adjacent to the intersection of North Yosemite and Acacia Streets, and those parcels fronting North Yosemite Street between Acacia Street and West Poplar Street, also referred to as “Yosemite Street Village.”

All other sections of the glossary remain unchanged and intact.

SECTION XXXV. SEVERABILITY

If any part of this Ordinance is held invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance, and the City Council hereby declares that it would have passed the remainder of this Ordinance if such invalid portion thereof had been deleted.

SECTION XXXVI. EFFECTIVE DATE

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

ADOPTED: _____

EFFECTIVE: _____

KEVIN LINCOLN
Mayor of the City of Stockton

ATTEST:

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