

AN ORDINANCE AMENDING TITLE 5, CHAPTER 5.16, SECTION 5.16.010, CHAPTER 5.76, SECTION 5.76.010, TITLE 16, CHAPTER 16.80, SECTION 16.80.020.A, SECTION 16.80.310, CHAPTER 16.240, SECTION 16.240.020 OF THE STOCKTON MUNICIPAL CODE TO INCORPORATE TINY AND MICRO HOUSES

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

SECTION I: FINDINGS AND INTENT

The City Council of the City of Stockton recognizes that the City faces major housing problems, lacking sufficient outlets for affordable housing and housing for the homeless. With the rise of the “tiny house” movement, the City Council further recognizes that tiny houses may be used to address the limited affordable housing and micro houses may be used to address problems of homelessness.

The City Council finds that an amendment which incorporates tiny and micro houses into the Stockton Municipal Code, making them viable housing alternatives, will alleviate and/or mitigate the housing problems the City faces and will help those in great need.

SECTION II: AMENDMENT OF CODE

Title 5, Chapter 5.16, Section 5.16.010 of the Stockton Municipal Code is amended to read as follows:

5.16.010 Licenses or permits required.

The license or permit required for any of the following is in addition to any business license required under this title:

Acid, storage	Ch. 15.12
Apartment houses	Ch. 8.32
Auctioneers	Ch. 5.24
Auctions	Ch. 5.24
Bicycles	Ch. 10.12
Bonfires	Ch. 15.12
Calcium carbide, storage	Ch. 15.12
Camp cars and campgrounds	Ch. 5.76
Card rooms	Ch. 5.36
Commercial fat rendering	Ch. 15.12
Discharge of industrial wastes	Ch. 13.08
Dog kennels	Ch. 6.04
Dogs	Ch. 6.04
Explosives, storage and handling	Ch. 15.12
Explosives, transportation	Ch. 10.04
Firearms, use and discharge	Ch. 9.56

Firearms, sale	Ch. 9.60
Fireworks, public use of	Ch. 8.92
Flammable liquids, storage and handling	Ch. 15.12
Freedom of speech	Ch. 9.16
Fumigating	Ch. 15.12
Garbage, collection	Ch. 8.04
Garden refuse, collection	Ch. 8.04
Gasoline portable tanks	Ch. 15.12
Goats, cows, sheep, etc.	Ch. 6.04
Hotels	Ch. 5.80
Junk dealers	Ch. 5.28
Liquefied petroleum gases, storage and handling	Ch. 15.12
Loading zone hoods	Ch. 10.44
Lodging houses	Ch. 5.80
Milk, handling and sale	Ch. 8.64
Motor buses, operations	Ch. 5.92
Oil burner systems, installation, etc.	Ch. 15.12
Paint burning	Ch. 15.12
Pawnbrokers	Ch. 5.28
Potassium chlorate, storage	Ch. 15.12
Private patrol systems and watchmen	Ch. 5.40
Refrigerator systems, installation, etc	Ch. 15.12
Second-hand dealers	Ch. 5.28
Sewer connections for persons outside City limits	Ch. 13.08
Spray painting	Ch. 15.12
Tank truck loading plants, installation, etc	Ch. 15.12
Taxicab business	Ch. 5.84
Taxicab drivers	Ch. 5.88
Use permits	Ch. 16.168
X-ray films, storage and handling	Ch. 15.12

SECTION III: AMENDMENT OF CODE

Title 5, Chapter 5.76, Section 5.76.010 of the Stockton Municipal Code is amended to read as follows:

5.76.010 Definitions.

As used herein, certain words and phrases are defined and certain provisions shall be construed as herein set out unless it shall be apparent from the context that they have a different meaning.

“Camp car” means any vehicle used for living or sleeping purposes which is equipped with wheel or wheels or similar devices for the purpose of transporting the unit whether by motive power or other means.

“Campground” means any place, area or parcel of land upon which is located any camp car.

“Micro house” means a wheeled towable structure of [###] square feet or less, accommodating sleeping and minimal storage, but without facilities such as kitchens, bathrooms, or electrical hookups.

“Motor vehicle” means a vehicle (as defined in California Vehicle Code Section 670) which is self- propelled.

SECTION IV: AMENDMENT OF CODE

Title 16, Chapter 16.80, Section 16.80.020, Subsection 16.80.020.A is amended as follows, and the remainder of Section 16.80.020 is to remain unaltered.

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, accessory living quarters, and workshops).

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

2. **Attached Structures.**

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

b. An attached accessory structure shall comply with the requirements of this Development Code applicable to the main structure, including setbacks, heights, and lot coverage.

c. Construction and the use of materials and colors shall be compatible with the main structure whenever feasible.

3. **Detached Structures.**

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

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

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

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

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

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

ii. **Hot Tubs and Swimming Pools/Spas.** The setbacks for hot tubs and swimming pools/spas shall be measured from the property line to the inside (water side) wall of the hot tub, swimming pool, or spa, and the hot tub, swimming pool, or spa shall be subject to the following:

(A) **Under 30 Inches.**

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

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

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

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

(A) Muffled by a sound barrier; or

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

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

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

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

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

*See Section 16.80.020 for exceptions

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

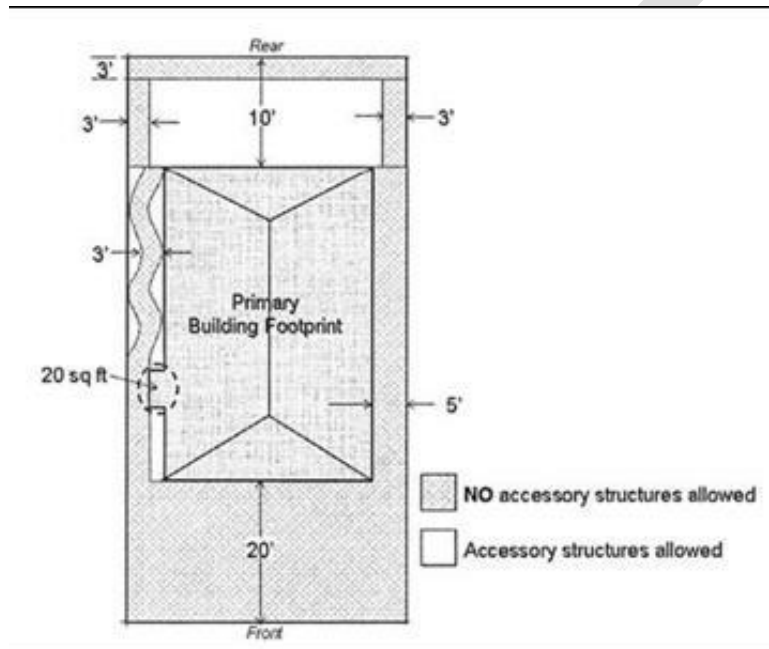


FIGURE 3-27 DISTANCE REQUIREMENTS FOR DETACHED ACCESSORY STRUCTURES

SECTION V: AMENDMENT OF CODE

Title 16, Chapter 16.80, Section 16.80.310 of the Stockton Municipal Code is amended to read as follows:

16.80.310 Secondary dwelling units and tiny houses.

This section provides standards for the establishment of secondary residential units and tiny houses.

A. **Site Plan Review Required.** Secondary dwelling units and tiny houses shall be subject to site plan review (Chapter [16.152](#)). The applicant shall be the owner and reside on the property.

B. **Number of Secondary Units Allowed.** Only one (1) secondary dwelling unit or tiny house shall be allowed on a single-family parcel.

C. **Site Requirements.** A parcel proposed for a secondary dwelling unit or tiny house shall comply with all the following requirements:

1. The secondary dwelling unit or tiny house may be located on any residentially-zoned parcel containing the minimum allowable parcel size and lot frontage and shall be in compliance with the height, setback, and lot coverage for the zoning district in which it is located. Minor deviations and/or variances to meet the minimum lot sizes are not permitted;
2. Except as otherwise provided in this section, secondary dwelling units and tiny houses shall comply with the requirements for the main structure;
3. There is only one (1) existing owner-occupied single-family detached main dwelling unit on the parcel; and
4. Only one (1) curb cut shall be permitted per parcel and no additional driveways or access points shall be created to accommodate the tiny house, secondary, or main dwelling unit.

D. Type of Unit

1. **Secondary Dwelling Unit.** May provide separate, independent living quarters for one household. A secondary dwelling unit may be within, attached to, or detached from the existing main dwelling unit.
2. **Tiny House.** May provide separate, independent living quarters for one household. Units are detached from the living areas of the primary dwelling unit on the lot, subject to the standards of this section. Tiny houses shall be located behind the primary dwelling unit.

E. Secondary Dwelling Unit.

1. Minimum lot size 5,000 square feet
2. Floor area not exceeding 30 percent of the living area of the main dwelling for an attached unit, or 1,200 square feet of floor area for a detached unit;
3. Setbacks
 - a. Front Yards. Per the underlying zone district.
 - b. Side Yards/Street Side Yards. Per the underlying zone district.

- c. Rear Yards. Per the underlying zone district.
- 4. Maximum building height
 - a. Attached. Per the underlying zone district.
 - b. Detached. 15 feet. (SMC 16.80.020)
- 5. Be architecturally compatible with the main dwelling unit and subject to design review by the Director;
- 6. Contain separate kitchen and bathroom facilities and have a separate entrance from the main dwelling;
- 7. Separate gas and electric meters may be permitted if approved by the Permitting Authority(s); and
- 8. The secondary dwelling unit shall be provided one (1) covered off-street parking space in a carport or garage, in addition to that required for the main dwelling unit, in compliance with Chapter [16.64](#) (Off-Street Parking and Loading Standards).

F. Tiny House.

- 1. Minimum lot size [interior: ### square feet, corner: ### square feet];
- 2. Shall not exceed [###] square feet of floor area;
- 3. Setbacks
 - a. Front Yards. Per the underlying zone district,
 - b. Side Yard/Street Side Yards. Per the underlying zone district.
 - c. Rear Yards. Shall be separated from the main home by a minimum of [##] feet.
 - 1. Alley Present. [##] feet.
 - 2. No Alley Present. [##] feet and shall comply with all setback requirements for the primary structure
- 4. Maximum building height [##] feet;

5. Be architecturally compatible with the main dwelling unit and subject to design review by the Director;
6. Kitchens, including cooking devices [are/are not] permitted;
7. Separate utility meters and/or addresses are not permitted;
8. No additional parking is required; and
9. Entrances from a tiny house shall not be visible from the street, unless the parcel is a corner parcel and the entrance is oriented to the opposite street as the primary residence.

G. **Mechanical Equipment.** Mechanical equipment shall be located on the ground, or in the case of a tiny house, incorporated into the structure, but shall in no case be located on the roof.

H. **Access.** Vehicular and pedestrian access shall be provided in the following manner:

1. Driveways shall be provided per underlying district.
2. An all-whether surface path to the secondary dwelling unit or tiny house shall be provided from the street frontage.

I. **Home Occupations.** Home occupations [are/are not] permitted pursuant to Section 16.80.170.

J. **Airports.** All applications shall comply with operative airport plans.

K. **Owner Occupancy Requirements.** The following shall apply prior to the issuance of a building permit.

1. Either the primary dwelling unit, the secondary dwelling unit, or the tiny house shall be owner-occupied.
2. The property owner shall enter into a restrictive covenant with the City, which shall be recorded against the property.
3. The covenant shall confirm that either the primary dwelling unit, the secondary dwelling unit [or the tiny house] shall be owner-occupied and prohibit rental of both units at the same time.

4. It shall further provide that the secondary dwelling unit [or tiny house] shall not be sold, or title thereto transferred separate and apart from the rest of the property.

L. Openings.

1. For two story buildings, there shall be no openings, such as windows and doors, within [##] feet from an interior side or a common rear property line with another single-family home.

a. Clerestory windows, [##] feet from the floor of the interior of the unit, are excepted.

2. The Director may grant a waiver, for detached units that are located [##] feet or less from a side or rear property line on walls facing said property lines if he/she finds that there are no substantial privacy, noise, health, safety, or visual impacts to neighbors associated with the location and siting of the detached unit.

M. Rental of Unit. A secondary dwelling unit or tiny house may be rented, although rental is not required.

SECTION VI: AMENDMENT OF CODE

Title 16, Chapter 16.240, Section 16.240.020 of the Stockton Municipal Code is hereby amended by adding the following definition:

Tiny House. A structure intended for separate, independent living quarters for one household that meets these six conditions:

1. Is licensed and registered with the California Department of Motor Vehicles and meets ANSI 119.2 or 119.5 requirements;
2. Is towable by a bumper hitch, frame-towing hitch, or fifth-wheel connection. Cannot (and is designed not to) move under its own power. When sited on a parcel per requirements of this Code, the wheels and undercarriage shall be skirted;
3. Is no larger than allowed by California State Law for movement on public highways;
4. Has at least [###] square feet of first floor interior living space;
5. Is a detached self-contained unit which includes basic functional areas that support normal daily routines such as cooking, sleeping, and toiletry; and
6. Is designed and built to look like a conventional building structure.

SECTION VII: AMENDMENT OF CODE

Title 16, Chapter 16.240, Section 16.240.020 of the Stockton Municipal Code is hereby amended by deleting the following definition:

SECTION VIII: AMENDMENT OF CODE

Title 16, Chapter 16.240, Section 16.240.020 of the Stockton Municipal Code is hereby amended by altering the following definition:

Accessory Living Quarters. A detached structure of 400 square feet or more, accessory to a single-family dwelling, accommodating living/sleeping quarters, but without kitchen or cooking facilities.