

Municipal Code Title 16 DEVELOPMENT CODE  
 Division 1. Purpose and Applicability of Development Code  
 Chapter 16.12 LAND USE PERMIT REQUIREMENTS

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

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

- A. **Decks, Paths, Driveways, and Other Minor Site Improvements.** Decks, platforms, patio slabs, on-site paths, driveways, and other improvements that are not required to have building or grading permits by Title 15 (Buildings and Construction) of the Municipal Code, when these improvements:
  - 1. Do not exceed 30 inches above natural grade and are not constructed over any basement or structure below; and
  - 2. Are not part of a development review or other discretionary application, or required as part of any specific condition of approval.
- B. **Fences and Walls—Residential Zoning Districts.** Fences and walls of six (6) feet or less in height in the residential zoning districts are exempt from land use permit requirements as provided by Chapter 16.48 (Fences, Hedges, and Walls) unless located within the required front yard or street side yard setback (Table 2-3, Zoning District Development Standards).
- C. **Interior Remodeling.** Interior alterations that do not increase the gross floor area within the structure, or change the approved use of the structure.
- D. **Portable Spas and Hot Tubs, Fishponds.** Portable spas, hot tubs, fish ponds, etc., in compliance with side and rear setback requirements in Table 2-3 (Zoning District Development Standards) and Section 16.80.020 (Accessory uses and structures) and any fencing requirements of the Building Code that do not:
  - 1. Exceed 120 square feet in total area, including related equipment;
  - 2. Contain more than 2,000 gallons of water; and
  - 3. Exceed 30 inches in depth.
- E. **Reconstruction of Destroyed Uses and Structures.** A use of land and/or structure destroyed by fire or natural disaster may be re-established as it existed, provided that it was legally established and in compliance with the use and development standards of this Development Code before destruction. Any nonconforming use or structure shall meet the requirements for nonconforming uses in compliance with Chapter 16.228 (Nonconforming Uses, Structures, and Parcels) before any use or structure is reestablished or repaired.
- F. **Repairs and Maintenance.** Ordinary repairs and maintenance if the work does not result in any:
  - 1. Change in the approved land use of the site or structure; or
  - 2. Addition to, or enlargement/expansion of, the land use and/or structure.

G. **Solar Collectors.** The addition of solar collection systems to the roofs of existing structures, except: historic landmarks and structures within historic districts, which require a certificate of appropriateness in compliance with Section 16.220.060 (Certificates of appropriateness).

H. **Utilities.** The installation, construction, alteration, or maintenance by a utility or public agency of underground or overhead utilities (e.g., water, gas, electric, telecommunication, supply or disposal systems, including wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, etc.), but not including structures housing equipment, shall be permitted in any zoning district, provided that the route of any electrical transmission line(s) for 50,000 volts or more may be subject to Commission and Council review and approval prior to acquisition of rights-of-way. Utility equipment (boxes, cabinets, pedestals, transformers, vaults, etc.) are subject to Section 18.60.360 (Utility equipment). Public or private satellite, cellular, and other wireless communication facilities are subject to Chapter 16.44 (Communications Facilities).

I. **Governmental Facilities.** Facilities of the City, County, State, a school district, special district, or the Federal Government, on land owned or leased by a governmental agency for governmental operations, are exempt only to the extent mandated by State or Federal law. (Ord. 023-07 C.S. § 3; prior code § 16-130.030)

Municipal Code Title 16 DEVELOPMENT CODE  
Division 2. Zoning Districts, Allowable Land Uses, and Zone-Specific Standards  
Chapter 16.16 ZONING DISTRICTS ESTABLISHED, ZONING MAP ADOPTED

**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). 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 RL zoning district is consistent with the low/medium density residential 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 may be up to 8.7 dwelling units per net acre. The RL zoning district is consistent with the low/medium 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 may be up to 17.4 dwelling units per net acre; minimum density is 8.8 dwelling units per net acre (however, any single legal residential parcel of record may be developed with one (1) single-

family dwelling). The RM zoning district is consistent with the low/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. Allowable density may be up to 29 dwelling units per net acre; minimum density is 17.5 dwelling units per net acre (however, any single legal residential parcel of record may be developed with one (1) single-family dwelling). The RH zoning district is consistent with the High Density Residential land use designation of the General Plan.

**B. Commercial Zoning Districts.**

1. **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. Allowable densities for residential units in conjunction with an office may be up to 29 dwelling units per net acre. Other residential density may be up to 17.4 dwelling units per net acre; minimum density is 8.8 dwelling units per net acre. The CO zoning district is consistent with the administrative-professional land use designation of the General Plan.

2. **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. Allowable densities for residential units may be up to 29 dwelling units per net acre; minimum density is 17.5 dwelling units per net acre. The CN zoning district is consistent with the Commercial land use designation of the General Plan.

3. **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. Allowable densities for residential units in a multi-use project may be up to 29 dwelling units per net acre. The CG zoning district is consistent with the commercial land use designation of the General Plan.

4. **CD (Commercial, Downtown) District.** The CD zoning district is applied to the downtown commercial area of the City. The intent of the CD zoning district is to encourage a mixture of high intensity 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. Residential densities are allowed up to 87 dwelling units per net acre. The CD zoning district is consistent with the commercial land use designation of the General Plan.

5. **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.

6. **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 land use designation 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 recreational land use designations of the General Plan.
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 and agricultural land use designations of the General Plan.
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 land use designation of the General Plan.

**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**

<b>Zoning District Symbol</b>	<b>Zoning District Name</b>	<b>General Plan Designation</b>
-------------------------------	-----------------------------	---------------------------------

**Residential Districts**

RE	Residential, Estates	Low/Medium Density Residential
RL	Residential, Low Density	Low/Medium Density Residential
RM	Residential, Medium Density	Low/Medium Density Residential
RH	Residential, High Density	High Density Residential

**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

**Special Purpose Districts**

PF	Public Facilities	Institutional/Parks and Recreational
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

(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)

Municipal Code Title 16 DEVELOPMENT CODE  
Division 2. Zoning Districts, Allowable Land Uses, and Zone-Specific Standards  
Chapter 16.20 ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

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

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

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

- a. **Permitted (P).** All land uses shown with a “P” in the table are allowed subject to compliance with all applicable provisions of this Development Code. Site plan review (Chapter 16.152) is required for new construction or for a change to a more intensive use, except as provided by Section 16.152.040 (Exemptions).
- b. **Land Development Permit (L).** All land uses shown as “L” in the table that require construction of new structures or improvements, the expansion of an existing facility, or a change to a more intensive use, as determined by the Director, require the approval of a land development permit (Chapter 16.136). If there will be no construction, expansion of an existing facility, or a change to a more intensive use, the use is allowed without a new land development permit.
- c. **Administrative Use Permit (A).** All land uses shown with an “A” in the tables are allowed subject to the approval of an administrative use permit (Chapter 16.172). If there is an existing use permit for the use and there will be no new construction or expansion of an existing facility, no new use permit shall be required.
- d. **Commission Use Permit (C).** All land uses shown with a “C” in the tables are allowed subject to the approval of a commission use permit (Chapter 16.172). If there is an existing use permit for the use and there will be no new construction or expansion of an existing facility, no new use permit shall be required.

- e. **Not Allowed (Empty Box in Table).** All land uses shown with an empty box in the table are not allowed in the applicable zoning district.
- f. **Not Allowed, Except Under Special Circumstances (E).** All land uses shown with an “E” on the table are not allowed in the applicable zoning district, except under the special circumstances identified in the specific use standards in Division 3.
2. **Uses With Specific Standards.** All uses, regardless of the type of permit that may be required, shall comply with all applicable provisions of this Development Code. In addition, if there is a section number in the last column of the table (“Specific Use Standards”), the use is also subject to the referenced provisions.
3. **Multiple Uses on a Single Site.** Where a proposed project includes multiple land uses, and more than one type of land use permit is required, the most restrictive land use permit shall apply for all land uses.
4. **Changes to an Approved Project.** Changes to an approved project that required a land use permit shall be subject to the requirements of Chapter 16.104 (Changes to an Approved Project).
5. **Uses Not Listed.** Land uses that are not listed in Table 2-2 are not allowed, except as otherwise provided by Section 16.08.020(E) (Rules of interpretation—Allowable uses of land).
- B. **Allowable Uses and Permit Requirements for the MX, UC and PT Districts.** The uses of land that may be allowed within the MX, UC and PT zoning districts and the land use permit requirements for each allowable use shall be identified in the master development plan applicable to the specific site, in compliance with Chapter 16.140 (Master Development Plans) and the Rough and Ready Island Development Plan for the Port of Stockton, CA for the PT zoning district (as applicable).
- C. **Overlay Zoning Districts.** Development located in overlay zoning districts (Aircraft Operations Overlay District, Design Review Overlay District, Channel Area Overlay District, and Magnolia Historic Overlay District) shall be in compliance with Chapter 16.28 (Overlay Zoning District Land Use and Development Standards).
- D. **Accessory Uses.** Accessory land uses are subject to the requirements of Section 16.80.020 (Accessory uses and structures).
- E. **Temporary Uses.** Temporary uses are subject to the requirements of Chapter 16.164 (Temporary Activity Permits).

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

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS
	R E	R L	R M	R H	C O	C N	C G	CD	C L	C A	I L	I G	P T	P F	O S	
AGRICULTURAL AND RESOURCE-RELATED USES																
Agricultural activities & facilities	P											P	P		A	16.80.060

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS
	R E	R L	R M	R H	C O	C N	C G	CD	C L	C A	I L	I G	P T	P F	O S	
Cannabis cultivation											C	C	C		C	16.80.195
Conservation areas	L	L	L	L	L		L	L	L	L	L	L	L	L	L	
Mining											A	A	A	A		

**BUSINESS AND PROFESSIONAL USES**

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

**INDUSTRY, MANUFACTURING & PROCESSING USES**

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



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

[illegible]

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

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS
	R E	R L	R M	R H	C O	C N	C G	CD	C L	C A	I L	I G	P T	P F	O S	
Parks and playgrounds	P	P	P	P	P	P	P	P						P	P	
Pool halls/billiard parlors								C	C	L						16.80.040 16.80.270
Private entertainment facilities							C	C	C		C					
Private residential recreation facilities	A	A	A	A												16.80.030 16.80.270
Recreational vehicle parks							A	A			A			L		
Religious facilities	A	A	A	A	P	P	P	P	P	P	P			L		16.80.080
Studios					P	P	P	P	P	L						

**RESIDENTIAL USES**

Caretaker and employee housing					P	P	P	P	P	P	P	L	L	L	L	
Dwelling group			P	P		P		P						L		
Duplexes		P	P	P				P						L		16.24.040
Mobile home parks		A	A	A			A	A								16.80.210
Multifamily dwellings			P	P	P	P	P	P						L		16.80.220
Organizational houses				A				A								
Residential care facilities																
Assisted living facilities	A		C	P	P	P	P	P						L		16.80.300
Care homes, 6 or fewer clients		P	P	P				P						P		
Family care homes, 7 or more clients	C			C				C						L		16.80.300

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS
	R E	R L	R M	R H	C O	C N	C G	CD	C L	C A	I L	I G	P T	P F	O S	
Senior care facilities, 7 or more clients			A	A	A			A						L		16.80.300
Rooming and boarding houses				A				A						L		
Senior residential projects			P	P	P	P	P	P						L		16.80.220
Single-family dwellings	P	P	P	P				P						L		
Townhouses		A	P	P	P	P	P	P						L		
Triplexes			P	P				A						L		

**RETAIL TRADE**

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

Land Uses	Permit Requirement by Zoning District															Specific Use Standards
	R E	R L	R M	R H	C O	C N	C G	CD	C L	C A	I L	I G	P T	P F	O S	
Construction, farm & heavy equipment sales							A			A	P	P	P			16.80.330
Convenience stores						C	C	C	C							16.80.040 16.80.140 16.80.270
Furniture, furnishings, and appliance stores					C	P	P	P	P	P	P					16.80.330
Mobile home sales										A	P					16.80.330
Nurseries and garden supply stores	A				C	A	P	P	P	P	P					16.80.330
Outdoor retail sales and activities								A	A		A					16.80.260
Pet shops						P	P	P	P							
Recreational vehicle & boat sales—New/used								L		A	L					16.80.330
Restaurants					P	P	P	P	P	P			P			16.80.250
Retail stores					P	P	P	P	P	P	P		P			16.80.330
Secondhand stores/pawn shops							A	A	A							
Shopping centers																
Neighborhood							P	P								16.80.330
Community							P	P								16.80.330
Regional								P	P							16.80.330
Warehouse retail stores							C	C	C							16.80.330

## SERVICES

[illegible]

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS
	R E	R L	R M	R H	C O	C N	C G	CD	C L	C A	I L	I G	P T	P F	O S	
Kennel and boarding facilities	A				A						A	A				
Pet grooming	A				A	P	P	P	P	L						
Training facilities	A				A		L	L		L	L	L				
Veterinary clinics and animal hospitals	A				A	C	P	P	P	P	P					16.80.370
Auto/vehicle services																
Car washes							A	A	A	P	A		P			
Fueling stations						A	L	L	L	P	L		P			16.80.320 16.80.340
Inoperable vehicle storage											L	L				
Maintenance/minor repair						A	P	P	P	P	P	P	P			16.80.320
Major repair/body work										P	P	P	P			16.80.340
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	A	A	A	A	A	A	A	A						A		16.80.100

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS
	R E	R L	R M	R H	C O	C N	C G	CD	C L	C A	I L	I G	P T	P F	O S	
Small family child care homes	P	P	P	P	P	P	P	P						P		
Equipment rental								L	P	A	P		P			
Funeral facilities and services																
Cemeteries		C	C	C	C		C	C		C	C	C		C	C	
Mortuaries							C	C		C	A	A		A		
Funeral homes					A	A	A	A		A						
Health/fitness facilities						P	P	P	P	L						
Lodging facilities																
Bed and breakfast		C	C	C	P	P	P	P						A		16.80.090
Extended-stay facilities							P	P	P							
Single room occupancy facilities (SROs)							A	A								
Hotels and motels					P		P	P	P				P			
Massage establishment																16.80.190
State certified					P	P	P	P	P							
Non-certified						C	C	A	A							
Medical services																
Ambulance service					A		P	P	P	L	P		P	L		
Clinics and laboratories					P	P	P	P	P	L			P	L		
Extended care	C	C	C	P	P		P	P						L		
Health-related					P	P	P		P					A		16.80.190
Hospitals					C		C	C						C		



LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS
	R E	R L	R M	R H	C O	C N	C G	CD	C L	C A	I L	I G	P T	P F	O S	
Medical-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 recovery/treatment facility					A		A	A						A		
Feeding centers								C			C	C		A		
Emergency shelters				C	C		C	C			P	P		P		16.80.155

**TRANSPORTATION AND COMMUNICATION USES**

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		

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

**OTHER USES**

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

**Key:** P = Use permitted

L = Land development permit required

A = Administrative use permit required

C = Commission use permit required

E = Use not allowed, except under special circumstances

Empty box = Use not allowed

**Notes:**

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

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

See Division 8 for definitions of the listed land uses.

Home occupations require a home occupation permit (Chapter 16.132).

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

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

**Municipal Code Title 16 DEVELOPMENT CODE**  
**Division 2. Zoning Districts, Allowable Land Uses, and Zone-Specific Standards**  
**Chapter 16.24 ZONING DISTRICT DEVELOPMENT STANDARDS**

**16.24.200 Table 2-3 Zoning District Development Standards.**

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

Development Feature (See Division 8 for definition of each)	REQUIREMENT BY ZONING DISTRICT																
	RE	RL	RM	RH	CO	CN	CG	CD	CL	CA	IL	IG	PT	PF	OS	MX, UC	
Minimum lot size	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)	1	0 - 8.7	8.8 - 17.4	17.5 - 29	0 - 29	17.5 - 29	0 - 29	0 - 87	Not applicable						0 - 87	Not applicable	
Maximum # of dwelling units per parcel	1	1	1 per 2,500 sf	1 per 1,500 sf	1 per 1,500 sf	1 per 1,500 sf	No minimum										
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	
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%		

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	
Height limit	Maximum height for primary structures. See Section <u>16.36.090</u> 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 <u>16.56</u> (Landscaping standards)																
Parking and loading	See Chapter <u>16.64</u> (Off-Street Parking and Loading Standards)																
Signs	See Chapter <u>16.76</u> (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.

(Ord. 023-07 C.S. § 11; prior code Table 2-3)

Municipal Code Title 16 DEVELOPMENT CODE

Division 2. Zoning Districts, Allowable Land Uses, and Zone-Specific Standards

Chapter 16.28 OVERLAY ZONING DISTRICT LAND USE AND DEVELOPMENT STANDARDS

**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 CO 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. **Retractions.** 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
<b>Residential Uses</b>		
Caretaker and employee housing	A	

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

<b>Land Uses</b>	<b>Permit Requirement</b>	<b>Specific Use Standards</b>
Duplexes	C	
Family care homes, 6 or fewer clients	P	
Family care homes, 7 or more clients	C	
Multifamily dwellings	C	<u>16.80.220</u>
Senior residential projects	C	<u>16.80.220</u>
Single-family dwellings	P	
Townhouses	C	
Triplexes	C	

**Nonresidential Uses**

Artisan shops	C	
Art galleries	C	
Auto/vehicle services—Parking facilities, public	C	
Banks and financial services	C	
Bed and breakfast inns	C	<u>16.80.090</u>
Broadcasting studios	C	
Child care facilities		
Child day care centers	C	<u>16.80.100</u>
Large family child care homes	A	<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	

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

<b>Land Uses</b>	<b>Permit Requirement</b>	<b>Specific Use Standards</b>
Live-work space	L	
Multi-use facilities	C	<u>16.80.230</u>
Offices	C	<u>16.80.240</u>

Personal services, limited to:		
Beauty parlors and barber shops	C	
Dry cleaning pick-up stores	C	
Nail salons	C	
Shoe repair shops	C	
Tailors and seamstresses	C	
Travel agents	C	
Printing and publishing	C	
Public and semi-public utility facilities	C	
Religious places of worship	C	
Restaurants—Table service	C	<u>16.80.250</u>
Retail stores, limited to:		
Antiques	C	
Bakeries (retail only)	C	
Bicycle shops	C	
Boutique stores	C	
Bookstores	C	
Clothing and accessories	C	

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

Land Uses	Permit Requirement	Specific Use Standards
Florists	C	
General store	C	
Gift shops	C	
Grocery and produce stores	C	
Jewelry	C	
Luggage and leather goods	C	
Musical instruments, parts, and accessories	C	
Specialty shops	C	
Stationery	C	
Studios	C	

**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 1680.160 (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

Development Feature	Requirement in the –MH Overlay District
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:
  - a. 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
  - b. 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:
  - a. **Residential Uses.** One (1) enclosed or covered parking space per dwelling unit to be located, if feasible, in the rear yard.
  - b. **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.
  - c. **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.
  - d. **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. 015-09 C.S., eff. 12-3-09; Ord. 023-07 C.S. §§ 12—14; prior code § 16-240.060)

Municipal Code Title 16 DEVELOPMENT CODE  
Division 3. Site Planning and General Development Regulations  
Chapter 16.40 AFFORDABLE HOUSING INCENTIVES/DENSITY BONUS PROVISIONS

**16.40.020 Eligibility for bonus and incentives.**

A density bonus or other incentives may be provided under the following circumstances if the following requirements and all other applicable provisions of this Development Code are met, except as provided by Section 16.40.040 (Allowed incentives):

A. **Residents.** A housing development proposed to qualify for a density bonus shall be designed and constructed so that it includes at least one (1) of the following:

1. **Low Income Households.** 10 percent of the total number of proposed units are for lower income households, as defined in Health and Safety Code Section 50079.5;
2. **Very Low Income Households.** Five (5) percent of the total number of proposed units are for very low income households, as defined in Health and Safety Code Section 50105;
3. **Senior Citizen Housing/Mobilehome Park.** The project is a senior citizen housing development as defined in Civil Code Sections 51.3 and 51.12, or is a mobilehome park that limits residency based on age requirements for housing older persons in compliance with Civil Code Sections 798.76 or 799.5; or
4. **Common Interest Development.** 10 percent of the total dwelling units in a common interest development (i.e., condominiums) as defined in Civil Code Section 1351 are for persons and families of moderate income, as defined in Health and Safety Code Section 50093; provided, that all units in the development are offered to the public for purchase.

B. **Land Donation.** A density bonus for an entire development may be provided if an applicant for a tentative map, parcel map, or other residential development approval donates land to the City in compliance with all of the following:

1. **Eligibility for Increased Bonus.** An applicant shall be eligible for the increased density bonus provided all the following conditions are met:

- a. The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.
- b. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount that is at least 10 percent of the number of residential units in the proposed development.
- c. The transferred land:
  - i. Is at least one (1) acre in size, or of sufficient size to permit development of at least 40 units;
  - ii. Has the appropriate General Plan designation;
  - iii. Is appropriately zoned for development as affordable housing; and
  - iv. Is served by adequate public facilities and infrastructure.
- d. The land shall have appropriate zoning and development standards to make the development of the affordable units feasible.
- e. No later than the date of approval of the final subdivision map, parcel map, or of the residential development, the transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, except that the City may subject the proposed development to subsequent design review to the extent authorized by Government Code Section 65583.2(l) if the design is not reviewed by the City before the time of transfer.
- f. The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with Section 16.40.050 (Continued availability), below, which shall be recorded on the property at the time of dedication.
- g. The land is transferred to the City or to a housing developer approved by the City. The City may require the applicant to identify and transfer the land to the approved housing developer.
- h. The transferred land shall be within the boundary of the proposed development or, if the City agrees, within one quarter mile of the boundary of the proposed development.

2. **Increased Bonus.** This increase shall be in addition to any increase in density required by subsection A (Residents) up to a maximum combined mandated density increase of 35 percent if an applicant seeks both the increase required for the donation of land, as well as the bonuses provided by subsection A (Residents).

3. **Condition of Development.** The granting of a density bonus shall not preclude the City from requiring a developer to donate land as a condition of development.

C. **Child Care Facility.** A density bonus may be granted for child care facilities as defined in Division 8. It may be granted for:

1. **Housing Developments.** A housing development that complies with the resident and project size requirements of subsection A (Residents) and also includes as part of that development a child care facility that will be located either on the site as part of the project or on a site adjacent to the development provided the project meets the following:

a. **Requirements.** In compliance with Government Code Section 65915(i), the City shall require, as a condition of approving the housing development, that:

i. The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable in compliance with Section 16.40.050 (Continued availability); and

ii. Of the children who attend the child care facility, the children of very low income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or families of moderate income in compliance with subsection A (Residents).

b. **Adequate Child Care Facilities.** The City shall not be required to provide a density bonus for a child care facility in compliance with this section if it finds, based upon substantial evidence, that the community already has adequate child care facilities.

2. **Commercial and Industrial Developments.** A commercial or industrial development project, containing at least 50,000 square feet of floor area, if the developer of the project agrees to set aside at least 2,000 square feet of interior floor area and 3,000 outdoor square footage to be used for a child care facility, in compliance with Government Code Section 65917.5 (Commercial density bonus). The requirements to qualify for the additional density bonus shall include all of the following:

a. For purposes of calculating the allowable density bonus, both the total area contained within the exterior walls of the child care facility and all outdoor areas devoted to the use of the facility in compliance with applicable State child care licensing requirements shall be considered.

b. The child care facility shall be of a sufficient size to comply with all applicable State licensing requirements in order to accommodate at least 40 children.

c. This facility may be located either on the project site or may be located off-site as agreed upon by the developer and the City.

d. If the child care facility is not located on the site of the development project, the City shall determine whether the location of the child care facility is appropriate and whether it complies with the purpose and intent of this section.

e. The granting of a density bonus shall not preclude the City from imposing necessary conditions on the development project or on the additional square footage in compliance with Government Code Section 65917.5 (Commercial density bonus).

(Ord. 015-09 C.S., eff. 12-3-09)

Municipal Code Title 16 DEVELOPMENT CODE  
 Division 3. Site Planning and General Development Regulations  
 Chapter 16.40 AFFORDABLE HOUSING INCENTIVES/DENSITY BONUS PROVISIONS

**16.40.030 Types of bonuses allowed.**

The amount of a density bonus allowed in a housing development shall be determined by the review authority as follows:

A. **Density Bonus.** A housing development that complies with the eligibility requirements in Section 16.40.020 (Eligibility for bonus or incentives) shall be entitled to density bonuses as follows, unless a lesser percentage is proposed by the applicant.

1. **Lower Income Households.** A housing development that is eligible for a bonus in compliance with the criteria in Section 16.40.020(A)(1) (10 percent of units for lower income households) shall be entitled to a density bonus calculated as follows:

Percentage of Lower Income Units Proposed	Percentage of Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
17	30.5
18	32
19	33.5
20	35

2. **Very Low Income Households.** A housing development that is eligible for a bonus in compliance with the criteria in Section 16.40.020(A)(2) (Five (5) percent of units for very low income households) shall be entitled to a density bonus calculated as follows:

Percentage of Very Low Income Units Proposed	Percentage of Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

3. **Senior Citizen Housing/Mobilehome Park.** A housing development that is eligible for a bonus in compliance with the criteria in Section 16.40.020(A)(3) (Senior citizen development or mobilehome park) shall be entitled to a density bonus of 20 percent.

4. **Moderate Income Units in Common Interest Development.**

a. **Common Interest Development.** A housing development that is eligible for a bonus in compliance with the criteria in Section 16.40.020(A)(4) (10 percent of units in a common interest development for persons and families of moderate income) shall be entitled to a density bonus calculated as follows:

Percentage of Moderate Income Units Proposed	Percentage of Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28

Percentage of Moderate Income Units Proposed	Percentage of Density Bonus
34	29
35	30
36	31
37	32
38	33
39	34
40	35

b. **Condominium Conversion Projects.** A condominium conversion project for which a density bonus is requested shall comply with the eligibility and other requirements in Government Code Section 65915.5 (Condo conversion incentives for low income housing development) and the requirements of Chapter 16.196 (Condominiums and Condominium Conversions).

5. **Land Donation.** When an applicant for a tentative map, parcel map, or other residential development approval donates land to the City in compliance with Section 16.40.020(B) (Land donation), the applicant shall be entitled to a 15 percent increase above the otherwise maximum allowable residential density under the applicable General Plan land use element designation and zoning for the entire development, and an additional increase as follows:

Percentage of Very Low Income Units Proposed	Percentage of Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29

Percentage of Very Low Income Units Proposed	Percentage of Density Bonus
25	30
26	31
27	32
28	33
29	34
30	35

B. **Applicant Selection of Basis for Bonus.** For purposes of calculating the amount of the density bonus for compliance with subsection A (Density bonus), the applicant who requests a density bonus shall elect whether the bonus shall be awarded on the basis of Section 16.40.020(A)(1), (2), (3), or (4) (Residents).

C. **Bonus Units Shall Not Qualify a Project.** A density bonus granted in compliance with subsection A (Density bonus) shall not be included when determining the number of housing units that is equal to the percentages required by Section 16.40.020(A).

D. **Greater or Lesser Bonuses.** The City may choose to grant a density bonus greater than provided by this section for a development that meets the requirements of Section 16.40.020 (Eligibility for bonus or incentives) or grant a proportionately lower density bonus than required by Section 16.40.020 (Eligibility for bonus or incentives) for a development that does not meet the requirements of this section.

E. **Density Bonus Calculations.**

1. The calculation of a density bonus that results in fractional units shall be rounded up to the next whole number, as required by Government Code Section 65915.
2. For the purpose of calculating a density bonus, the residential units do not have to be based upon individual subdivision maps or parcels.

F. **Location of Bonus Units.** The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.

G. **Other Affordable Housing Subsidies.** Approval of a density bonus does not, in and of itself, preclude projects from receipt of other government subsidies for affordable housing.

H. **Requirements for Amendments or Discretionary Approval.** The granting of a density bonus in compliance with Section 16.40.020 (Eligibility for bonus or incentives) shall not be interpreted, in and of itself, to require a General Plan amendment, rezoning, or other discretionary approval. (Ord. 015-09 C.S., eff. 12-3-09)

Municipal Code Title 16 DEVELOPMENT CODE  
 Division 3. Site Planning and General Development Regulations  
 Chapter 16.40 AFFORDABLE HOUSING INCENTIVES/DENSITY BONUS PROVISIONS

#### **16.40.040 Allowed incentives.**

A. **Applicant Request and City Approval.**



1. An applicant for a density bonus may submit to the City a proposal for the specific incentives listed in subsection C (Type of incentives) that the applicant requests and may request a meeting with the Director. The applicant may file the request either before an application for City approval of the proposed project, or concurrently with the application for project approval. The review authority shall grant an incentive request that complies with this section unless the review authority makes either of the following findings in writing, based upon substantial evidence:

- a. The incentive is not required to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5, or for rents for the targeted units to be set as specified in Section 16.40.050(B) (Unit cost requirements); or
- b. The incentive would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment, or on any real property listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households.

2. The applicant shall show that a waiver or modification of development standards is necessary to make the housing units economically feasible.

**B. Number of Incentives for Residential Projects.** The applicant for residential projects in compliance with Section 16.40.020(A) (Residents) shall receive the following number of incentives.

- 1. **One (1) Incentive.** One (1) incentive for a project that includes:
  - a. At least 10 percent of the total units for lower income households;
  - b. At least five (5) percent for very low income households; or
  - c. At least 10 percent for persons and families of moderate income in a common interest development.
- 2. **Two (2) Incentives.** Two (2) incentives for a project that includes:
  - a. At least 20 percent of the total units for lower income households;
  - b. At least 10 percent for very low income households; or
  - c. At least 20 percent for persons and families of moderate income in a common interest development.
- 3. **Three (3) Incentives.** Three (3) incentives for a project that includes:
  - a. At least 30 percent of the total units for lower income households;
  - b. At least 15 percent for very low income households; or
  - c. At least 30 percent for persons and families of moderate income in a common interest development.

**C. Type of Incentive.** An incentive may include the following:

- 1. **Residential.** A housing development that complies with Section 16.40.020(A) (Residents) and subsections (B)(2) (Two (2) incentives) and (B)(3) (Three (3) incentives) shall be eligible to receive one (1) or two (2) of the following additional incentives:

- a. A reduction in the site development standards of this Development Code (e.g., site coverage limitations, setbacks, reduced parcel sizes, and/or parking requirements; see also subsection (C)(3) (Parking)), or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission in compliance with Health and Safety Code Section 18901 et seq., that would otherwise be required, that results in identifiable, financially sufficient, and actual cost reductions;
  - b. Approval of multiuse project not otherwise allowed by this Development Code in conjunction with the housing development, if:
    - i. Nonresidential land uses will reduce the cost of the housing development, and
    - ii. The nonresidential land uses are compatible with the housing development and the existing or planned development in the area where the project will be located;
  - c. Other regulatory incentives proposed by the applicant or the City that will result in identifiable, financially sufficient, and actual cost reductions; and/or
  - d. A direct financial contribution granted by the City, in its sole and absolute discretion, including writing-down land costs, subsidizing the cost of construction, or participating in the cost of infrastructure.
2. **Child Care.** Projects providing child care facilities in compliance with Section 16.40.020(C) (Child care facilities) shall be subject to the following:
- a. **Housing Developments.** A housing development that complies with the resident and project size requirements of Section 16.40.020(A) (Residents) and the requirements for child care facilities of Section 16.40.020(C)(1) (Housing development) shall receive the following additional incentives. The City shall grant a housing development that includes a child care facility in compliance with Section 16.40.020(C) either of the following:
    - i. An additional density bonus that is an amount of floor area in square feet of residential space that is equal to or greater than the floor area of the child care facility; or
    - ii. An additional incentive that contributes significantly to the economic feasibility of the construction of the child care facility.
  - b. **Commercial and Industrial Developments.** A developer of a commercial or industrial development project that complies with the requirements of Section 16.40.020(C)(2) (Child care facility) shall receive one (1) of the following:
    - i. A maximum of five (5) square feet of floor area for each one (1) square foot of floor area contained in the child care facility located in an existing child care facility; or
    - ii. A maximum of 10 square feet of floor area for each one (1) square foot of floor area contained in the child care facility located in a new child care facility.
3. **Parking.** An applicant for a development that meets the requirements of Section 16.40.020 (Eligibility for incentives) may request additional parking incentives beyond

those provided in subsections B (Number of incentives), (C)(1) and (C)(2) (Types of incentives).

a. **Number of Parking Spaces Required.**

i. At the request of the applicant, the City shall authorize the following vehicular parking ratios, inclusive of handicapped and guest parking:

(A) **Zero to One (1) Bedrooms.** One (1) on-site parking space.

(B) **Two (2) to Three (3) Bedrooms.** Two (2) on-site parking spaces.

(C) **Four (4) and More Bedrooms.** Two and one half (2.5) on-site parking spaces.

ii. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number.

b. **Location of Parking.** For purposes of this section, a development may provide on-site parking through tandem parking or uncovered parking, but not through on-street parking.

D. **Effect of Incentive.** The granting of an incentive in compliance with this section shall not be interpreted, in and of itself, to require a General Plan amendment, Zoning Map amendment, or other discretionary approval. (Ord. 015-09 C.S., eff. 12-3-09)

Municipal Code Title 16 DEVELOPMENT CODE  
Division 3. Site Planning and General Development Regulations  
Chapter 16.40 AFFORDABLE HOUSING INCENTIVES/DENSITY BONUS PROVISIONS

**16.40.050 Continued availability.**

The units that qualified the housing development for a density bonus and other incentives shall continue to be available as affordable units in compliance with the following requirements, as required by Government Code Section 65915(c). See also Section 16.40.090 (Control of resale).

A. **Duration of Affordability.** The applicant shall agree to, and the City shall ensure, the continued availability of the units that qualified the housing development for a density bonus and other incentives, as follows:

1. **Low and Very Low Income Units.** The continued affordability of all low and very low income qualifying units shall be maintained for a minimum of 30 years, or a longer time if required by the construction or mortgage financing assistance program, mortgage insurance program, rental subsidy program, or by City policy or ordinance.

2. **Moderate Income Units in Common Interest Development.** The continued availability of moderate income units in a common interest development shall be maintained for a minimum of 10 years, or a longer time if required by City policy or ordinance.

B. **Unit Cost Requirements.** The rents and owner-occupied costs charged for the housing units in the development that qualify the project for a density bonus and other incentives, shall not exceed the following amounts during the period of continued availability required by this section:

1. **Rental Units.** Rents for the lower income density bonus units shall be set at an affordable rent as defined in Health and Safety Code Section 50053.

2. **Owner-Occupied Units.** Owner-occupied units shall be available at an affordable housing cost as defined in Health and Safety Code Section 50052.5.

C. **Occupancy and Resale of Moderate Income Common Interest Development Units.** An applicant shall agree to, and the City shall ensure that the initial occupants of moderate income units that are directly related to the receipt of the density bonus in a common interest development as defined in Civil Code Section 1351, are persons and families of moderate income, as defined in Health and Safety Code Section 50093, and that the units are offered at an affordable housing cost, as defined in Health and Safety Code Section 50052.5. The City shall enforce an equity sharing agreement unless it is in conflict with the requirements of another public funding source or law. The following requirements apply to the equity sharing agreement.

1. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation.

2. The City shall recapture any initial subsidy and its proportionate share of appreciation, which shall then be used within three years for any of the purposes described in Health and Safety Code Section 33334.2(e) that promote home ownership.

a. The City's initial subsidy shall be equal to the fair market value of the home at the time of initial sale, minus the initial sale price to the moderate income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value; and

b. The City's proportionate share of appreciation shall be equal to the ratio of the initial subsidy to the fair market value of the home at the time of initial sale.

(Ord. 015-09 C.S., eff. 12-3-09)

**Municipal Code Title 16 DEVELOPMENT CODE**

**Division 3. Site Planning and General Development Regulations**

**Chapter 16.40 AFFORDABLE HOUSING INCENTIVES/DENSITY BONUS PROVISIONS**

**16.40.060 Location and type of bonus units.**

A. **On-Site.** Target units should be built on-site wherever possible and, when practical, be dispersed within the housing development. The location of density bonus units within the qualifying project shall be at the discretion of the City with the goal to integrate the units into the overall project. However, the inclusionary units shall:

1. Be reasonably dispersed throughout the development where feasible;
2. Contain on average the same number of bedrooms as the noninclusionary units; and
3. Be compatible with the design or use of the remaining units in terms of appearance, materials, and finish quality.

B. **Phasing.** If a project is to be phased, the density bonus units shall be phased in the same proportion as the nondensity bonus units, or phased in another sequence acceptable to the City.  
(Ord. 015-09 C.S., eff. 12-3-09)

Municipal Code Title 16 DEVELOPMENT CODE  
 Division 3. Site Planning and General Development Regulations  
 Chapter 16.40 AFFORDABLE HOUSING INCENTIVES/DENSITY BONUS PROVISIONS

**16.40.070 Processing of bonus requests.**

An application for a density bonus shall be processed concurrently with any other application(s) required for the housing development.

A. **Filing.** The application for a density bonus shall be filed in compliance with Chapter 16.84 (Application Filing, Processing, and Fees) and the requirements of Sections 16.40.020 (Eligibility for bonus and incentives) and 16.40.080 (Density bonus housing agreement). An application, whether a preapplication or a formal application, shall include the following information:

1. A brief description of the proposed housing development, including the total number of units, target units, and density bonus units proposed;
2. The zoning and General Plan designations and assessor's parcel number(s) of the project site;
3. A vicinity map and preliminary site plan, drawn to scale, including structure footprint(s), driveway(s), and parking layout; and
4. If an additional incentive(s) is requested, a description of why the additional incentive(s) is necessary to provide the target units in compliance with Section 16.40.030 (Types of bonuses and incentives allowed).

B. **Criteria to be Considered.** Criteria to be considered in analyzing the requested bonus shall include the availability and capacity of infrastructure (road, sewer and water capacity, school capacity, etc.) to accommodate the additional residential density.

C. **Funding.** The Council and/or the Redevelopment Agency shall be responsible for approving any funding associated with a density bonus application.

D. **Initial Review of Bonus Request.** Within 90 days of the filing of the discretionary permit application, the Director shall provide the owner/developer a letter that:

1. Identifies issues of concern with the project, what the Director can support when making a recommendation to the Commission, and the procedures for compliance with this chapter; and
2. Informs as to whether the requested additional incentive shall be recommended for consideration with the proposed housing development, or that alternative or modified additional incentives in compliance with Section 16.40.030 (Types of bonuses and incentives allowed) shall be recommended for consideration in lieu of the requested incentives. If alternative or modified incentives are recommended by the Director, the recommendation shall establish how the alternative or modified incentives can be expected to have an equivalent affordability effect as the requested incentives.

E. **Notice and Hearings.** Notices and the public hearing shall be in conjunction with the other application(s) for the housing development and in compliance with Chapter 16.88 (Review Procedures) for actions in which the Commission is the Review Authority.

F. **Findings for Approval.** In addition to the findings required for the approval of a discretionary permit, the approval of the bonus by the Council shall also require the following additional findings:

1. The development project would not be a hazard or nuisance to the City at large or establish a use or development inconsistent with the goals and policies of the General Plan;
2. The number of dwellings can be accommodated by existing and planned infrastructure capacities;
3. Adequate evidence exists to ensure that the development of the property would result in the provision of affordable housing in a manner consistent with the purpose and intent of this chapter;
4. In the event that the City does not grant at least one (1) financial concession or incentive as defined in State law (Government Code Section 65915) in addition to the density bonus, that additional concessions or incentives are not necessary to ensure affordable housing costs; and
5. There are sufficient provisions to guarantee that the dwelling units would remain affordable in the future. (Ord. 015-09 C.S., eff. 12-3-09)

Municipal Code Title 16 DEVELOPMENT CODE  
Division 3. Site Planning and General Development Regulations  
Chapter 16.48 FENCES, HEDGES, AND WALLS

#### **16.48.030 General setback limitations.**

The setback requirements for fences, hedges, and walls shall be:

- A. **Residential.** For residential projects:
  1. **Front.** Same as zoning district in which it is located in compliance with Table 2-3 (Zoning District Development Standards).
  2. **Street Side.** Five (5) feet.
  3. **Side and Rear.** The property line.
- B. **Nonresidential.** For nonresidential projects:
  1. **Front.** Same as zoning district in which it is located in compliance with Table 2-3 (Zoning District Development Standards).
  2. **Street Side.** Five (5) feet, except where adjacent to a residential zoning district the fence shall be 10 feet.
  3. **Side and Rear.** The property line. (Ord. 023-07 C.S. § 29; prior code § 16-325.025)

Municipal Code Title 16 DEVELOPMENT CODE  
Division 3. Site Planning and General Development Regulations  
Chapter 16.48 FENCES, HEDGES, AND WALLS

#### **16.48.050 Exceptions to setback limitations.**

The Review Authority may adjust the requirements for fences, hedges, and walls in compliance with Chapter 16.176 (Waiver) under the following conditions:

- A. There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, or topography) so that the strict or literal interpretation and enforcement of this Development Code would cause undue hardship;
- B. The subject site would be physically suitable for the proposed waiver;
- C. The proposed fence, hedge, or wall would not cause the view of the adjacent neighbors to be substantially blocked;
- D. The location of the proposed fence, hedge, or wall does not encroach into the traffic sight area in compliance with Section 16.36.140 (Traffic sight area);
- E. The proposed fence, hedge, or wall recognizes the particular characteristics of the site and is consistent with the surrounding built environment, including the existing use of fences, hedges, and walls in the neighborhood; and
- F. The proposed fence, hedge, or wall complements the architectural style, character, and proportions of the main building and neighborhood and is composed of appropriate materials. (Ord. 015-09 C.S., eff. 12-3-09; Ord. 023-07 C.S. § 31; prior code § 16-325.035)

Municipal Code Title 16 DEVELOPMENT CODE  
Division 3. Site Planning and General Development Regulations  
Chapter 16.60 NOISE STANDARDS

**16.60.020 Activities exempt from noise regulations.**

The following activities shall be exempt from the provisions of this chapter:

- A. **Emergency Exemption.** The emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work. Does not include permanently-installed emergency generators.
- B. **Warning Device.** Warning devices necessary for the protection of public safety, (e.g., police, fire and ambulance sirens, properly operating home and car burglar alarms, and train horns).
- C. **Outdoor Play/School Ground Activities.** Activities conducted on parks and playgrounds and school grounds, between 7:00 a.m. and 10:00 p.m., except for additional hours that may be granted by the City Manager. Otherwise, outdoor activities shall meet standards in Table 3-7.
- D. **Railroad Activities.** The operation of locomotives, rail cars, and facilities by a railroad that is regulated by the State Public Utilities Commission.
- E. **State or Federal Pre-Exempted Activities.** Any activity, to the extent the regulation of it has been preempted by State or Federal law.
- F. **Public Health and Safety Activities.** All transportation, flood control, and utility company maintenance and construction operations at any time on public rights-of-way, and those situations that may occur on private property deemed necessary to serve the best interest of the public and to protect the public's health and well being, including, debris and limb removal, removal of damaged poles and vehicles, removal of downed wires, repairing traffic signals, repair of water hydrants and mains, gas lines, oil lines, and sewers, restoring electrical service, street sweeping, unplugging sewers, vacuuming catch basins, etc. The regular testing of motorized equipment and pumps shall not be exempt.

G. **Maintenance of Residential Real Property.** Noise sources associated with the minor maintenance of residential real property, provided the activities take place between the hours of 7:00 a.m. and 10:00 p.m. (Prior code § 16-340.020)

Municipal Code Title 16 DEVELOPMENT CODE  
Division 3. Site Planning and General Development Regulations  
Chapter 16.64 OFF-STREET PARKING AND LOADING STANDARDS

**16.64.030 General parking regulations.**

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

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

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

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

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

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

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

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



I. Electric vehicle charging stations are permitted in all required and non-required off-street parking spaces. As an incentive for the provision of electric vehicle charging stations, a reduction in required parking is permitted up to two required parking spaces for each electric vehicle charging space provided, up to a maximum reduction of 10 percent of the total required parking. (Ord. 2016-09-27-1601 § II; Ord. 011-11 C.S. § 1, eff. 10-27-11; Ord. 015-09 C.S., eff. 12-3-09; Ord. 001-08 C.S. §§ 7, 9; Ord. 023-07 C.S. § 43; prior code § 6-345.030)

Municipal Code Title 16 DEVELOPMENT CODE  
Division 3. Site Planning and General Development Regulations  
Chapter 16.64 OFF-STREET PARKING AND LOADING STANDARDS

**16.64.070 Disabled/handicapped parking requirements.**

Parking areas shall include parking spaces accessible to the disabled as follows:

A. **Number of Spaces, Design Standards.** Parking spaces for the disabled shall be provided in compliance with the following table and with the applicable section of the Uniform Building Code, and shall be considered in meeting parking requirements, subject to review by the Building Division.

**TABLE 3-10  
 DISABLED/HANDICAPPED PARKING  
 SPACE REQUIREMENTS**

<b>Total Number of Parking Spaces Provided</b>	<b>Number of Handicapped Parking Spaces Required</b>
1—25	1
26—50	2
51—75	3
76—100	4
101—150	5
151—200	6
201—300	7
301—400	8
410—500	9
501—1,000	2% of total
Over 1,000	20 plus 1 for each 100, or fraction thereof over 1,001

B. **Reservation of Spaces Required.** Disabled access spaces required by this section shall be reserved by the property owner/tenant for use by the disabled throughout the life of the approved land use.

C. **Upgrading of Markings Required.** If amendments to State law change standards for the marking, striping, and signing of disabled parking spaces, disabled accessible spaces shall be upgraded in compliance with the new State standards.

D. **Fulfilling of Requirements.**

1. Disabled accessible parking spaces required by this section shall count toward fulfilling off-street parking requirements.
2. Placement of disabled access spaces shall be approved by the Building Division as part of the building permit process.
3. In the case of tenant improvements, the number of required parking spaces may be reduced for the purpose of meeting the requirements for disabled accessible parking spaces. (Prior code § 16-345.070)

Municipal Code Title 16 DEVELOPMENT CODE  
Division 3. Site Planning and General Development Regulations  
Chapter 16.76 SIGN STANDARDS

**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, 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.

v. 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. **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 shall contain the name, address, and telephone number of a contact person who can be contacted regarding removal of the sign; and

vi. Political signs shall be placed no earlier than the filing of official papers for public office 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. 015-09 C.S., eff. 12-3-09; Ord. 001-08 C.S. §§ 17, 18; prior code § 16-360.040)

Municipal Code Title 16 DEVELOPMENT CODE  
 Division 3. Site Planning and General Development Regulations  
 Chapter 16.80 STANDARDS FOR SPECIFIC LAND USES

### **16.80.020 Accessory uses and structures.**

This section provides standards for accessory uses and structures.

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

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

2. **Attached Structures.**

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

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

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

3. **Detached Structures.**

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

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

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

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

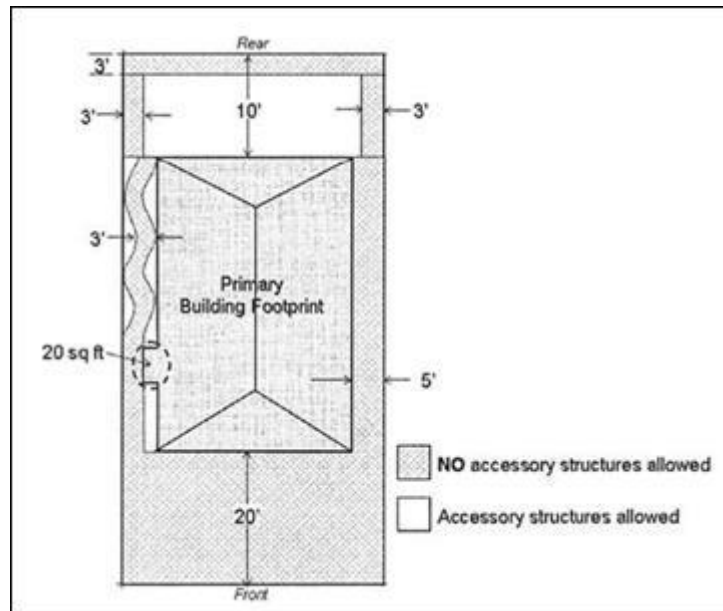
**TABLE 3-13**  
**DISTANCE REQUIREMENTS—DETACHED RESIDENTIAL**  
**ACCESSORY USES AND STRUCTURES**

\*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 <u>16.80.020</u> (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 <u>16.80.020</u> (A)(3)(e)(iv) and <u>16.36.110</u> (F)	Front	20 feet	20 feet
	Side	3 feet	Same as main structure
	Street side	20 feet	20 feet
	Rear	3 feet; if entrance faces right-of-way—20 feet	Same as main structure
Flagpoles in compliance with Sections <u>16.36.090</u> (B)(6) and <u>16.80.020</u> (A)(3)(b)	Alley	10 feet from alley	10 feet from alley
	Front	5 feet	5 feet
	Side	3 feet	3 feet
	Street side	5 feet	5 feet
Hot tubs, spas, swimming pools, except as provided in Section <u>16.80.020</u> (A)(3)(e)(ii)	Rear	3 feet	3 feet
	Front	Same as main structure	Same as main structure
	Side	3 feet	3 feet
	Street side	Same as main structure	Same as main structure
Hot tub, pool and spa equipment, except as provided in Section <u>16.80.020</u> (A)(3)(e)(iii)	Rear	3 feet	3 feet
	Front	Same as main structure	Same as main structure
	Side, rear	3 feet	3 feet
All other accessory structures, including gazebo, greenhouse, storage shed, workshop, pool house, patio cover, outdoor play	Street side	Same as main structure	Same as main structure
	Front	Same as main structure	Same as main structure
	Side	3 feet	Same as main structure



Residential Uses			
Detached Accessory Use/Structure	Type	Required Distance from Property Line	
		Single-Family, Duplexes, and Triplexes	Multifamily
equipment, recreational court, stationary barbeque, fire pit. Sections <u>16.80.020</u> (A)(3)(e)(i) and <u>16.76.110</u> (F).	Rear	3 feet	Same as main structure
	Alley	10 feet from alley	10 feet from alley



**FIGURE 3-27 DISTANCE REQUIREMENTS FOR DETACHED ACCESSORY STRUCTURES**

B. **Nonresidential.** Provides standards for accessory uses and structures that may be related to nonresidential uses.

1. **Amusement Devices.** Amusement devices, as defined in Division 8 (Glossary), shall only be allowed in compliance with Section 16.80.050 (Amusement devices).

2. **Containerized Storage Units.** Containerized storage units, as defined in Division 8 (Glossary) shall only be allowed as follows:

a. **Standards.**

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

- ii. **Industrial.** Temporary and permanent containerized storage units shall be allowed in compliance with the requirements of this Development Code for primary structures, including the following:
      - (A) **Screening.** All containerized storage units shall be screened from public rights-of-way in compliance with Section 16.36.100 (Screening and buffering); and
      - (B) **Parking.** The containerized storage unit shall be included in determining the parking requirements for the primary use in compliance Chapter 16.64 (Off-Street Parking and Loading Standards).
    - iii. **Residential.** Containerized storage units shall be prohibited in residential zoning districts.
  - b. **Modifications.** Any modification or permanent attachment to the ground shall be subject to the requirements of this Development Code, the Municipal Code, the Uniform Building Code, standard plans and specifications, and design review.
3. **Mobile Vendors.** Street vendors, as defined in Division 8, shall be allowed as an outdoor accessory use in a commercial zoning district or PF (public facilities) zoning district in compliance with the following:
- a. A business license is obtained in compliance with Section 5.08.070 of the Municipal Code;
  - b. Not utilize, or be located on, parking spaces required for the primary use;
  - c. Not be located on a vacant parcel;
  - d. Be located on pavement per City standards;
  - e. Provide sufficient room surrounding the cart to allow for accessibility and to meet fire codes and ADA requirements;
  - f. Not interfere with access, aisles, circulation, driveways, or fire lanes and shall not operate in a place where the operation will create a traffic hazard;
  - g. Not interfere with pedestrian movement or create a pedestrian hazard;
  - h. If food or drink is served:
    - i. All cooking shall be off-site,
    - ii. Provide a trash receptacle and keep the area litter free at all times, and
    - iii. Comply with the requirements of the County Health Department;
  - i. Use of a public right-of-way shall only be allowed in compliance with Section 5.08.280 of the Municipal Code.
4. **Motorized Food Wagons.** Motorized food wagons shall:
- a. **Private Property.**
    - i. Be incidental to a primary use with a valid business license; a temporary motorized food wagon shall not be the primary use of a parcel. Motorized food wagons shall not be permitted as an accessory use to a stand-alone parking lot (auto/vehicle services—inoperable vehicle storage/parking facilities, public/vehicle storage);

- ii. Be located in industrial and commercial zoning districts. Use of motorized food wagons during special events shall be permitted subject to Chapter 16.164 (Temporary Activity Permits);
- iii. Not be located on a vacant parcel;
- iv. Be located on pavement per City standards;
- v. Not utilize, or be located on, parking spaces required for the primary use. At least two (2) parking spaces, in addition to those required for the primary use, shall be provided for the motorized food wagon operation;
- vi. Not interfere with access, driveways, aisles, or circulation, and shall not operate in a place where the operation will create a traffic hazard;
- vii. Comply with the requirements of the County Health Department; and

b. **Public Right-of-Way.** Only be permitted on public rights-of-way, subject to Section 5.08.280 of the Municipal Code.

5. **Outdoor Phone Booths.** Outdoor phone booths shall only be allowed in compliance with the Municipal Code.

6. **Retail/Service.** Provides standards for accessory uses and structures allowed in the RH and CO zoning districts. Accessory uses include any use that is customarily incidental to the main use and provides an accessory service, including lunchrooms, prescription pharmacies, and beauty and barber shops, to serve occupants and patrons of the main use, subject to the following requirements:

- a. Shall be incidental to and not alter the residential or office character of the site;
- b. No entrance to the business shall face directly on a public way or have direct access to a public street;
- c. All goods or services shall be displayed, dispensed, and stored solely within the structure;
- d. There shall be no exterior display or other advertising media employed or readily visible from the exterior of the structure;
- e. Shall not exceed 25 percent of the structure area; and
- f. Shall be developed in compliance with the building envelope standards for the main structure.

C. **Other.** Other accessory uses and structures including stationary outdoor barbeques shall be subject to the following:

- 1. The accessory uses are allowed if:
  - a. The accessory use is identified in Table 2-2 (Allowed Land Uses and Permit Requirements) as an allowed use if it were a primary use; or
  - b. The accessory use or structure is:
    - i. Incidental to the primary use;
    - ii. Has a floor area that is less than 25 percent of the floor area covered by the primary use;

- iii. Has an overall site area that is less than 10 percent of the overall site covered by the primary use;
  - iv. In the opinion of the Director, would not have a substantial, adverse effect on adjacent property;
  - v. Not located in a required setback area, except as provided for in Section 16.36.120 (Site coverage measurements and exceptions);
  - vi. Not adversely impacting circulation or increase the required number of parking spaces; and
  - vii. Would comply with existing requirements of agencies having jurisdiction and other appropriate regulatory agency.
2. For those accessory uses that do not meet the requirements of subsection (C)(1) of this section, the level of review for the accessory use shall be the same as the level of review required for the primary use. (Ord. 2014-07-29-1601 C.S. § 3; Ord. 015-09 C.S., eff. 12-3-09; Ord. 001-08 C.S. §§ 19, 20; Ord. 023-07 C.S. §§ 79—82; prior code § 16-365.020)

Municipal Code Title 16 DEVELOPMENT CODE  
Division 3. Site Planning and General Development Regulations  
Chapter 16.80 STANDARDS FOR SPECIFIC LAND USES

**16.80.100 Child care facilities.**

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

- A. **Types.** Child care facilities include the following types:
- 1. **Small Family Child Care Homes (Eight (8) or Fewer Children).** Allowed within a single-family residence in zoning districts determined by Division 2 (Zoning Districts, Allowable Land Uses, and Zone Specific Standards). Except for a clearance from the Fire Department, no City land use permits or clearances are required;
  - 2. **Large Family Child Care Homes (Nine (9) to 14 Children).** Allowed within a single-family residence in zoning districts determined by Division 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards), in compliance with the standards in subsection (B)(1) of this section (Standards for large family child care homes); and
  - 3. **Child Care Centers (15 or More Children).** Allowed in the zoning districts determined by Division 2 (Zoning Districts, Allowable Land Uses, and Zone Specific Standards), and the standards in subsection (B)(2) of this section (Standards for child care centers).
- B. **Standards for Child Care Facilities.**
- 1. **Standards for Large Family Child Care Homes.**

- a. **Care Provider's Residence.** The large family child care home shall be the principle residence of the care provider and the use shall be clearly residential in character, and be incidental and secondary to the use of the property as a residence.
  - b. **Licensed.** Be licensed by the State as a large family child care home.
  - c. **Children.** A large family child care home shall accommodate between nine (9) to 14 children, including children under 10 years of age who may reside in the home, provided:
    - i. At least two (2) of the children are at least six (6) years of age; and
    - ii. No more than three (3) infants are cared for during any time when more than 12 children are being cared for.
  - d. **Separation Standard.** The facility shall not be located within 500 feet of another licensed large family child care home or child care center.
  - e. **Fire Department Standards.** The facility shall comply with the standards established by the City Fire Department.
  - f. **Noise.** In order to protect adjacent residential dwellings from noise impacts, a facility within a residential zoning district may only operate up to 14 hours for each day between the hours of 6:00 a.m. and 8:00 p.m. and may only conduct outdoor activities between the hours of 7:00 a.m. and 7:00 p.m.
  - g. **Play Areas.** Play areas shall be located in the rear or interior side yard and shall be enclosed by a minimum of a four (4) foot high fence. Pools shall be enclosed by a five (5) foot high fence.
  - h. **Off-Street Parking and Drop-Off/Pick-Up Standards.**
    - i. Each facility shall provide an off-street parking space for each employee and provide a separate, off-street parking space for dropping off and picking up children. All spaces shall comply with the size requirements for parking spaces in the parking lot development standards (Section 16.64.080(C)(1)(a)); and
    - ii. Residences located on through streets (Municipal Code Section 10.04.260) classified as a collector or arterial shall provide a drop-off/pick-up area that does not require backing into the street.
2. **Standards for Child Care Centers.** The following standards for child care centers shall apply, in addition to those standards contained in subsection (B)(1) of this section (Standards for large family child care homes):
- a. **Parcel Size.** The minimum parcel size for a child care center shall be 8,000 square feet.
  - b. **Fence or Wall.** A six (6) foot high solid decorative fence or wall shall be constructed on all property lines, except in the front yard or within a traffic sight area (Section 16.36.140). Fences or walls shall provide for safety with controlled points of entry. A minimum three (3) foot wide landscaped area shall be provided adjacent to the wall/fence and shall include a dense hedge of evergreen shrubs a minimum of 15 gallons in size.
  - c. **Play Areas.** The facility shall provide play areas:

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

(Ord. 001-08 C.S. § 86; prior code § 16-365.070)

municipal Code Title 16 DEVELOPMENT CODE  
Division 3. Site Planning and General Development Regulations  
Chapter 16.80 STANDARDS FOR SPECIFIC LAND USES

#### **16.80.155 Emergency shelters.**

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

- A. **Separation Between Structures.** Developments with multiple structures shall provide a 12-foot separation between those structures.
- B. **Physical Characteristics.**
  - 1. Compliance with applicable state and local uniform housing and building code requirements.
  - 2. The facility shall have on-site security during all hours when the shelter is open.
  - 3. Facilities shall provide exterior lighting on pedestrian pathways and parking lot areas on the property. Lighting shall reflect away from residential areas and public streets.

4. Facilities shall provide secure areas for personal property.
- C. **Maximum Number of Beds per Facility.** The maximum number of beds per facility shall be determined and as allowed by Building and Fire Codes.
- D. **Limited Terms of Stay.** The maximum term of staying at an emergency shelter is 6 months in a consecutive 12-month period.
- E. **Parking.** The emergency shelter shall provide off-street parking at a ratio of two (2) spaces per facility for staff plus one (1) space per 10 occupants allowed at the maximum capacity.
- F. **Emergency Shelter Management.** A management plan is required for all emergency shelters to address management experience, good neighbor issues, transportation, client supervision, client services and food services. Such plan shall be submitted to and approved by the Director prior to operation of the emergency shelter. The plan shall, at minimum, identify the property owner's and operator's names and contact information, on-site security and anti-loitering measures. The plan shall include a floor plan that demonstrates compliance with physical standards of this chapter. The operator of each emergency shelter shall annually submit the management plan to the Director with updated information for review and approval. The City Council may establish a fee by resolution to cover the administrative cost of review of the required management plan.
- G. **Waiting Area.** In order to prevent queuing of shelter residents off-site, an on-site intake waiting area shall be provided that is adequate to accommodate all incoming residents.
- H. **Proximity.** The proximity of an emergency shelter located next to another emergency shelter shall be at minimum 300 feet. (Ord. 2016-04-12-1602 § IV)

Municipal Code Title 16 DEVELOPMENT CODE  
Division 3. Site Planning and General Development Regulations  
Chapter 16.80 STANDARDS FOR SPECIFIC LAND USES

**16.80.160 Home occupations.**

This section provides development and operational standards for the review and approval of home occupations permits in compliance with Chapter 16.132 (Home Occupation Permits).

- A. **Location.** The location of the business shall be the principal residence of the person(s) conducting the business and shall be clearly incidental and secondary to the use of the property for residential purposes;
- B. **Alterations.** Alterations shall not be made which would alter the character of the residence or change its occupancy classification in compliance with the building code;
- C. **Signs.** Advertising sign(s), displays of merchandise or stock-in-trade, or other identification of the business activity shall not be provided on the premises;
- D. **Nuisance Factors.** The business shall not create levels of glare, light, noise, electrical interference, dust, heat, odor, solid waste, vibration, or other characteristics in excess of that customarily associated with similar residential uses;
- E. **Residents Only.** Persons engaged in the business shall be limited to persons residing on the premises;
- F. **Use to be Enclosed.** The business shall be conducted completely within the enclosed living space of the residence or accessory structure. If the business is conducted within a garage, the use

shall not encroach within the required parking spaces for the residence. The vehicle door to the garage shall remain closed while the business activity is being conducted;

G. **Outside Storage.** Equipment, materials, or products associated with the business shall not be stored outdoors;

H. **Hazardous Materials.** The business shall not involve the storage, sale, or use of explosive, guns, ammunition, or flammable or hazardous materials as determined by the Fire Department;

I. **Equipment.** Gasoline and/or diesel powered engines are not allowed, and any mechanical or electrical equipment used in the home occupation shall not use an electrical motor exceeding 15 amps at 110 volts;

J. **Trip Generation.** The business shall not generate additional pedestrian or vehicular trips in excess of that customarily associated with the zoning district in which it is to be located. Clients, customers, patrons, or students shall not visit or conduct business at the residence, except as provided by Chapter 16.132 (Home Occupation Permits);

K. **Vehicles.** One (1) vehicle that is clearly commercial may be used as part of the home occupation provided it has a rated carrying capacity of no more than one (1) ton, the vehicle is parked on-premises when not in use, and the vehicle is not visible from the right-of-way;

L. **Sale.** Merchandise or products shall not be sold upon the premises;

M. **Storage of Merchandise.** No more than 100 cubic feet of storage area may be provided on the site. Additional stock used by the business that is not customary to a residential use shall be stored at an off-premises location (e.g., storage facility or other nonresidential location); and

N. **Use of Parking Spaces.** Required parking spaces shall be kept clear and used only for the parking of vehicles owned by persons residing on the premises. (Prior code § 16-365.130)

Municipal Code Title 16 DEVELOPMENT CODE  
Division 3. Site Planning and General Development Regulations  
Chapter 16.80 STANDARDS FOR SPECIFIC LAND USES

**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. Locations that are logically suited for multifamily development, such as transition areas between major traffic arterials, commercial or industrial development, and low-density residential development.
2. 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).
3. Mobilehome parks shall not be located where it is necessary for traffic movement from the park to pass through an existing or proposed residential development.
4. Mobilehome parks shall not be permitted at locations that would disrupt the logical expansion of conventional subdivisions or extension of street systems, utilities, or public improvements.



5. Mobilehome parks shall not be permitted at locations so far removed from existing utilities or community services, including fire or police protection, schools, etc., so as to place a financial burden on the City for provision and maintenance of these facilities.

**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.
- 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. Minimum gross area shall be five (5) acres.
- b. Minimum number of mobilehome spaces shall be 50.
- c. 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. Mobilehome Space Area and Setback Requirements.**

- a. Mobilehome space minimum dimensions:
  - i. Width—40 feet;
  - ii. Length—70 feet; and
  - iii. Area—2,800 square feet.
- b. Setbacks and spacing for mobilehomes, accessory buildings and structures:
  - i. Setback of all mobilehomes, accessory buildings and structures from mobilehome access drive and interior property lines—five (5) feet; and
  - ii. Minimum spacing between all structures on separate mobilehome spaces or areas—10 feet.
- c. Maximum coverage permitted by mobilehomes, structures and accessory buildings for the mobilehome park—60 percent.

**4. Mobilehome Park Access Drive Development Standards.**

- a. Minimum width—41 feet (including curbs and gutters).
- b. The access drive shall be surfaced in compliance with City standards for a residential street.
- c. Curbs and gutters shall be provided in compliance with City standards.
- d. Street lights shall be provided in compliance with City standards.

e. Length of access drive. Access drives that do not provide for continuous circulation shall not exceed 500 feet in length and shall provide a turn-around having a diameter of 40 feet.

5. **Signs.**

a. 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.

b. In commercial zones, the identification signs comply with the sign regulations of that district.

c. Directional and similar type signs may be permitted within the mobilehome park as approved by the Commission.

d. Outdoor advertising structures (billboards) shall not be permitted within mobilehome parks.

6. **Parking.**

a. One (1) automobile parking space shall be required on each mobilehome space.

b. Parking for passenger automobiles is permitted along both sides of a 41-foot wide access drive.

c. 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.

7. **Landscaping.** All areas not occupied by mobilehomes, buildings, other structures, paving or recreational facilities shall be landscaped and maintained with lawn, groundcover, or shrubbery.

8. **Other Improvements.**

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

b. Applicable single-lot development 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. Electrical and telephone service shall be installed underground pursuant to adopted City standards. Individual overhead television or radio antennas 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 fence of (i) masonry or (ii) wood, with masonry posts spaced at intervals not less than 50 feet apart 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. 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).

9. **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.

10. **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)

Municipal Code Title 16 DEVELOPMENT CODE  
Division 3. Site Planning and General Development Regulations  
Chapter 16.80 STANDARDS FOR SPECIFIC LAND USES

**16.80.310 Accessory dwelling units.**

This section provides standards for the establishment of accessory dwelling units.

A. **Number of Accessory Dwelling Units Allowed.** Only one (1) accessory dwelling unit shall be allowed on a single-family parcel.

B. **Site General Requirements.** A parcel proposed for an accessory dwelling unit shall comply with all the following requirements:

1. The accessory dwelling unit may be located on any residentially-zoned parcel that is occupied with a single-family dwelling unit or will be improved with a single-family dwelling unit prior to or at the same time as the construction of the accessory dwelling unit;
2. The floor area of a detached accessory dwelling unit shall not exceed 1,200 square feet. The calculation of the floor area of the detached accessory dwelling unit includes all floor area within the building envelope of the entire detached structure, excluding the garage space and exterior stairs;
3. The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet. "Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or carport or an accessory structure. If a garage or carport is provided for the attached accessory dwelling unit, the calculation of the floor area of the accessory dwelling unit does not include the floor area of the garage or carport;
4. An accessory dwelling unit shall not be included in the calculation of the density of the lot on which the accessory dwelling unit is located; and
5. No passageway shall be required in conjunction with the construction of an accessory dwelling unit. A "passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

**C. Development Standards.**

1. The height, lot coverage, and setback requirements applicable to the lot on which the accessory dwelling unit is located apply to the accessory dwelling unit, except for the following:
  - a. No setback is required for an existing accessory legal structure that is converted to an accessory dwelling unit; and
  - b. An accessory dwelling unit constructed within newly added space above an existing accessory legal structure shall have a minimum rear-yard setback of five (5) feet; and a minimum side-yard setback required by the zoning designation for the primary dwelling unit or five (5) feet, whichever is less. The minimum setbacks stated above only apply to the newly added space above the accessory structure, and not to the existing accessory structure.
2. There are no minimum off-street parking requirements for accessory dwelling units. If off-street parking space is voluntarily provided for the accessory dwelling unit, it may be uncovered, covered, or enclosed, but must be on a paved surface and accessible from a paved driveway.

**D. Design Standards.**

1. An attached and detached accessory dwelling unit shall be architecturally compatible with the main dwelling unit;
2. No portion of an accessory dwelling unit balcony, deck, or open stair landing that faces the rear lot line or the side lot nearest to the accessory dwelling unit shall be higher than three (3) feet from the ground;

3. For accessory dwelling units that do not meet the zoning designation's setback for the main dwelling unit, no portion of any window that faces the lot line where the setback requirement for the main dwelling unit is not met may extend above 10 feet from the ground;
  4. An accessory dwelling unit located within the Magnolia historic overlay district or accessory to a landmark shall not require a certificate of appropriateness, as identified in Chapter Section 16.28.060 (Magnolia historic overlay district) and Chapter Section 16.220.070 (Landmarks), and instead shall be subject to design review in compliance with Chapter 16.120 (Design Review);
  5. An accessory dwelling unit located within a design review overlay district shall be subject to Design Review in compliance with Chapter 16.120 (Design Review), except if the front, side and/or rear is not visible from a public right-of-way or internal circulation route; and
  6. An accessory dwelling located within the Channel area overlay district shall not require a Use Permit, as identified in Chapter Section 16.28.040 (Channel area overlay district), and instead shall be subject to design review in compliance with Chapter 16.120 (Design Review).
- E. Conversion of Existing Structures.** The requirements in subsection A through D, above, do not apply to an accessory dwelling unit that: (1) is entirely contained within an existing single-family dwelling unit or existing legally-constructed accessory structure; (2) is not located within the Magnolia historic overlay district or, if located within the Magnolia historic overlay district, does not involve modifications to the exterior of the existing structure; (3) does not involve a landmark or, if involving a landmark, does not involve modifications to the exterior of the landmark; or (4) has exterior access independent from the existing main dwelling unit; and (5) the side and rear setback are sufficient for fire safety.
- F. Parking.** The accessory dwelling unit shall not be subject to minimum parking requirements. Further, when an existing garage, carport or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, there is no minimum requirement for replacement of off-street parking for the main dwelling unit.
- G. Rental of Unit.** An accessory dwelling unit may be rented, although rental is not required. The accessory dwelling unit shall not be sold separately from the main dwelling unit. (Ord. 2018-05-15-1502 § II; Ord. 001-08 C.S. § 23; Ord. 023-07 C.S. §§ 94, 95, prior code § 16-365.290)

Municipal Code Title 16 DEVELOPMENT CODE  
Division 4. Application Process  
Chapter 16.88 REVIEW PROCEDURES

#### **16.88.030 Public hearing notices.**

- A. Content of Notice.**
1. Notice of a public hearing shall include: the date, time, and place of the hearing; the name of the hearing authority; a general explanation of the matter to be considered; a general description, in text and/or by diagram, of the location of the property that is the subject of the hearing; and the phone number and street address of the Department where an interested person could call or visit in order to receive additional information.
  2. If a proposed negative declaration or environmental impact report (EIR) has been prepared for the project in compliance with the City's CEQA Guidelines, the hearing notice

shall include a statement that the hearing body would also consider approval or recommendation of the proposed negative declaration or certification of the final EIR.

**B. Method of Notice Distribution.** Notice shall be provided as follows:

**1. Published Notice.** A legal notice shall be published at least once in a local newspaper of general circulation within the City at least 10 days before the hearing for:

- a. All actions in which the Council is the final Review Authority (e.g., development agreements, Development Code amendments, General Plan amendments, historical landmarks/sites/districts, master development plans, precise road plans, specific plans/amendments, street name changes, and Zoning Map amendments);
- b. Tentative maps;
- c. Heritage tree permit; and
- d. Proposed negative declarations or environmental impact reports.

**2. Mailed Notice.**

a. **Actions.** The following actions shall require a mailed notice:

i. **Council Actions.** For specified actions in which the Council is the final Review Authority; and

ii. **Commission or Director Actions.** For all actions in which:

(A) The Commission is the final Review Authority (e.g., planned development permits, tentative maps, Commission use permits, and variances), or

(B) The Director is the final Review Authority and a public hearing is required (e.g., Administrative Use Permits), except heritage tree permits.

iii. **Administrative Hearing Officer Actions.** For all actions in which an Administrative Hearing Officer is the final Review Authority and a public hearing is required.

b. **Method.** The notice shall be mailed or delivered:

i. **Timing.** At least 10 days before the hearing.

ii. **Recipients.**

(A) **Subject Owner(s).** The owner(s) of the property being considered or the owner's agent, and the applicant, or responsible party;

(B) **Local Agencies.** Each local agency expected to provide schools, water, or other essential facilities or services to the project, and whose ability to provide the facilities and services may be significantly affected;

(C) **Affected Owners.** All owners of real property as shown on the County's latest equalized assessment roll within a radius of 300 feet of the exterior boundaries of the parcel involved in the application, except for:

- (1) Large family child care homes, which shall be 100 feet,
- (2) Specific plans and master development plans, which shall be 1,000 feet,

and

- (3) If the number of property owners to whom notice would be mailed is more than 1,000, the Director may choose to provide notice by placing a display advertisement in at least one (1) newspaper of general circulation within the City at least 10 days before the hearing in compliance with Government Code Section 65091(a)(3).

c. **Cost of Providing Notice.** The applicant for a project shall pay all costs associated with providing required public hearing notices, as determined by the Director.

C. **Additional Notice.** In addition to the types of notice required by subsection B of this section (Method of notice distribution), additional notice that the Director determines is necessary or desirable may be required using the Director's choice of distribution. Ord. 2016-01-26-1601 C.S. § 4; Ord. 2013-07-30-1603-01 C.S. § 2; Ord. 011-11 C.S. § 1, eff. 10-27-11; Ord. 013-10 C.S. § 1, eff. 9-23-10; Ord. 015-09 C.S., eff. 12-3-09; Ord. 023-07 C.S. § 102; prior code § 16-420.030)

Municipal Code Title 16 DEVELOPMENT CODE  
Division 4. Application Process  
Chapter 16.88 REVIEW PROCEDURES

#### **16.88.050 Procedures for review of applications.**

##### **A. Review Without Notice Procedure.**

1. **Applicability.** The review without notice procedure applies to applications, which are reviewed to determine their consistency with established policies and standards and do not require action by the Commission.
2. **Notice Not Required.** Notice is not required for actions taken in compliance with this section.
3. **Review.** The Director shall review the application for completeness and accuracy and refer the application to staff and applicable agencies for review and comment.
4. **Action by Director.** The Director shall approve or disapprove the application based upon its consistency with established policies and standards.
5. **Effective Date of Action.** Action on any application, unless otherwise identified, shall be effective upon expiration of the 10-day appeal period in compliance with Section 16.92.090 (Effective date).

##### **B. Administrative Review Procedure.**

1. **Applicability.** The review with notice procedure applies to discretionary applications which require public notice, but which do not require a public hearing before the Commission.
2. **Preliminary Action by Director.** Following the initial review period, the Director shall either:
  - a. Proceed with the review; or
  - b. Refer the application directly to the Commission based on:
    - i. The importance of the issue in carrying out the General Plan, the cumulative effect of similar applications, policy guidance previously received from the Commission or Council, and the possibility that the decision may set a precedent for

future decisions. The Commission shall give notice and conduct a public hearing in compliance with subsection C of this section (Public hearing review procedure).

ii. An EIR being required. All projects requiring the preparation of an EIR shall be automatically referred to the Commission for final action.

3. **Notification.** Notification of the application and any hearing that is requested in compliance with subsection (B)(5) of this section, shall be given in compliance with Section 16.88.030(B)(2) (Mailed notice).

4. **Administrative Review Process—14-Day Review Period.**

a. There shall be a 14-day review period (e.g., Administrative Use Permit and home occupation permits) during which time:

i. Comments, for or against the application, may be submitted to the Director before the application is considered; and/or

ii. A request for a public hearing may be submitted to the Director.

b. All comments/requests shall be in writing and signed by the person submitting the comments/request.

5. **Action by Director.** Following the review period, including the time required for the applicable environmental documents, the Director shall either render a decision or refer the application to the Commission. Any decision of the Director shall require a public hearing if a request for a public hearing has been filed in compliance with subsection (B)(4) of this section (Administrative review process).

a. **Decision on Application.** If the Director elects to make a decision on the application, including the environmental documents:

i. **Environmental Determination.** Before the Director makes a decision on the application(s), the Director shall make an environmental determination in compliance with Section 16.88.040 (Environmental determination).

ii. **Application.** At the conclusion of a review or hearing, whichever is applicable, the Director shall approve, conditionally approve, or disapprove the application. The Director may take specific items under advisement and reach a decision and announce it at the later date.

b. **Refer Application.** Refer the application and related environmental documentation directly to the Commission based on the response from notifications and the criteria in subsection (B)(2)(b)(i) of this section. The Commission shall give notice and conduct a public hearing in compliance with subsection C of this section (Public hearing review procedure).

6. **Finality of Decision.** The decision of the Director is final unless appealed in compliance with Chapter 16.100 (Appeals).

7. **Written Decision.**

a. **Contents of Decision.** The decision shall contain applicable findings, any conditions of approval, and related monitoring provisions deemed necessary to mitigate any impacts and to protect the public health, safety, and welfare of the City.



b. **Notice.** Following the rendering of a decision, a notice of the decision and any conditions of approval shall be mailed to the applicant at the address shown on the application, any interested party commenting on the application or requesting a public hearing, and any interested party that provided a written request for a copy of the decision.

8. **Notice of Determination.** Following the hearing, any notice of determination shall be filed with the County Clerk and the State Clearinghouse, as applicable, in compliance with the City's CEQA Guidelines.

9. **Effective Date of Action.** Action on any application, unless otherwise identified, shall be effective upon expiration of the 10-day appeal period in compliance with Section 16.92.090 (Effective date).

C. **Public Hearing Review Procedure.**

1. **General Provisions.** The applicable Review Authority (e.g., Commission or Council) shall conduct a public hearing with notification for the purpose of receiving oral and written evidence relative to the application(s). This evidence shall be reviewed to determine if the application is consistent with existing policies, standards, and required findings.

2. **Notification.** Notification of the public hearing shall be given in compliance with Section 16.88.030 (Public hearing notices).

3. **Public Hearing.** The applicable Review Authority shall hold a public hearing on the application(s), including review of applicable environmental documents. An applicant, an applicant's representative, or any interested party may make a presentation on the application.

a. **Applications for which the Commission is the Review Authority.** Following the conclusion of a public hearing:

i. **Environmental Determination.** Before making a decision on the applications, the Commission shall make an environmental determination in compliance with Section 16.88.040 (Environmental determination).

ii. **Application.** The Commission shall approve, conditionally approve, or disapprove the application(s).

(A) **Finality of Decision.** The decision of the Commission is final unless appealed in compliance with Chapter 16.100 (Appeals).

(B) **Written Decision.**

(1) **Contents of Decision.** The recorded decision shall contain applicable findings, any conditions of approval, and related monitoring provisions deemed necessary to mitigate any impacts and to protect the public health, safety, and welfare of the City.

(2) **Notices.** Following the hearing a notice of the decision and any conditions of approval shall be mailed to the applicant at the address shown on the application and to any interested party that provided a written request for a copy of the decision.

iii. **Notice of Determination.** Following the hearing, any notice of determination shall be filed with the County Clerk and the State Clearinghouse, as applicable, in compliance with the City's CEQA Guidelines.

iv. **Effective Date of Action.** Action on any application, unless otherwise identified, shall be effective upon expiration of the 10-day appeal period, in compliance with Section 16.92.090 (Effective date).

b. **For Actions in Which the Council is the Review Authority.** The Council shall take the final action on all development agreements, Development Code amendments, General Plan amendments, historical landmarks/sites/districts, master development plans, precise road plan, rezoning, specific plans/amendments, street name changes, and Zoning Map amendments based on recommendation by the Commission, and appeals to Commission decisions.

i. **Recommendation by Commission.** The Commission shall hold a public hearing in compliance with subsection (C)(3)(a) of this section (Applications for which the Commission is the Review Authority), except that at the conclusion of the public hearing, the Commission shall forward a written recommendation to the Council.

(A) **Environmental Determination.** Before the Commission makes a recommendation on the application(s), the Commission shall review and consider the environmental documentation in compliance with Section 16.88.040 (Environmental determination).

(B) **Application.** The Commission shall either:

- (1) **Approve the Application.** Approve or conditionally approve the application. The resolution for the recommendation shall contain applicable findings, any conditions of approval, and reporting/monitoring requirements deemed necessary to mitigate any impacts and protect the public health, safety, and welfare of the City; or
- (2) **Disapprove the Application.** The Commission's action for disapproval shall be final and conclusive unless an appeal to the Council is filed in compliance with Chapter 16.100 (Appeals). Following the Commission's action, a notice of the recommendation shall be mailed to the applicant at the address shown on the application.

ii. **Decision by Council.** Upon receipt of the Commission's recommendation and following the conclusion of the public hearing, the Council shall:

(A) **Environmental Determination.** Before making a decision on the application(s), make an environmental determination in compliance with Section 16.88.040 (Environmental determination).

(B) **Application.** Approve, approve in modified form, or disapprove the proposed application in compliance with Chapter 2.04 of the Municipal Code (Council Meetings) based on the applicable findings of fact.

- (1) **Modification to Proposed Projects.** If the Council proposes to adopt a substantial modification to the proposed project that was not previously considered by the Commission during its hearings, the proposed modification shall be referred back to the Commission for its recommendation before the Council makes a final decision.

- (2) **Override of Commission Decision.** It shall take four (4) concurring votes of the Council to override a decision of the Commission.
- (3) **Decision.** The Council shall approve, conditionally approve, or disapprove the application(s).
  - (a) **Finality of Decision.** The decision of the Council is final.
  - (b) **Written Decision.**
    - (i) **Contents of Decision.** The decision shall contain applicable findings, any conditions of approval, and related monitoring provisions deemed necessary to mitigate any impacts and protect the public health, safety, and welfare of the City.
    - (ii) **Notice of Decision.** Following the hearing, a notice of the decision and any conditions of approval shall be mailed to the applicant at the address shown on the application and to any interested party that provided a written request for a copy of the decision.
- (C) **Notice of Determination.** Any notice of determination shall be filed with the County Clerk and the State Clearinghouse, as applicable, and in compliance with the City's CEQA Guidelines.
- iii. **Effective Date.** The date on which the action of the Council becomes effective shall be in compliance with Section 16.92.090 (Effective date).

(Ord. 2018-01-23-1503 § I; prior code § 16-420.050)

Municipal Code Title 16 DEVELOPMENT CODE

Division 4. Application Process

Chapter 16.92 IMPLEMENTATION PROCEDURES, CONDITIONS, AND REQUIREMENTS

**16.92.060 Business license.**

A. **Business License Applications.** Business license applications, reviewed for compliance with this Development Code and signed off by the Director, shall be reviewed as follows:

- 1. **Reuse of Existing Structure(s).** A business license application that proposes the establishment of a different business in an existing structure shall be subject to the following considerations:
  - a. The proposed use is allowed in the zoning district in which the use is to be located;
  - b. The proposed site and any land use(s) or structure(s) existing on the site shall not be in violation of any applicable provision of this Development Code, except for nonconforming uses and structures in compliance with Chapter 16.228 (Nonconforming Uses, Structures, and Parcels); and
  - c. The proposed business site shall provide and maintain the required number of off-street parking spaces, driveway, and parking lot improvements in compliance with Chapter 16.64 (Off-Street Parking and Loading Standards), except for nonconforming uses and structures in compliance with Chapter 16.228 (Nonconforming Uses, Structures, and Parcels).

2. **New Structures.** A business license application for the first occupancy of a new structure shall require full compliance with this Development Code. The new structure shall first require the issuance of a site plan review (Chapter 16.152) or other applicable permit(s) or entitlement(s) in compliance with Table 2-2 (Allowable Land Uses and Permit Requirements).
- B. **Business License Renewals.** The annual renewal of a business license does not require review for compliance with this Development Code.
- C. **Not an Authorization or Granting of a Privilege.** A business license is for revenue purposes only and not an authorization or granting of a privilege. Sign-off of a business license by the Director does not constitute an authorization to conduct a business in conflict with the applicable provisions, regulations, requirements, and standards identified in this Development Code, the building code, other provisions of the Municipal Code, or City, County, State, or Federal regulations and standards. (Prior code § 16-430.060)

Municipal Code Title 16 DEVELOPMENT CODE  
Division 5. Land Use/Development Procedures  
Chapter 16.120 DESIGN REVIEW

#### **16.120.020 Applicability.**

- A. **Types of Projects.** The following list identifies the types of projects that are subject to the City's design review process.
1. **Residential Development.**
    - a. New single-family tract development in a subdivision of five (5) or more parcels. (These projects are subject to the design standards located in Section 3.01 (Single-Family Design Standards for New Tract Development) of the Citywide Design Guidelines Manual.)
    - b. New single-family infill projects located within special districts. (See Section 3.02 of the Citywide Design Guidelines Manual (Single-Family Residential Design Guidelines for Special Districts) for a list of, and a map illustrating, the special districts.)
    - c. Additions and exterior remodeling of single-family dwellings located within special districts visible from the public right-of-way.
    - d. New multifamily developments containing two (2) or more dwelling units.
    - e. Additions and exterior remodeling of existing multifamily projects.
    - f. Accessory structures in special districts or as part of a multifamily project greater than 120 square feet that are visible from the public right-of-way.
  2. **Commercial Development.**
    - a. New commercial development throughout the City, including special commercial districts (e.g., Downtown; Miracle Mile, or Channel area) and freeway corridors.
    - b. Additions and exterior remodeling of existing commercial development throughout the City that is visible from a public right-of-way or an internal circulation route.
    - c. Accessory structures visible from a public right-of-way or an internal circulation route.
  3. **Business Park and Industrial Development.**

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

Municipal Code Title 16 DEVELOPMENT CODE  
 Division 5. Land Use/Development Procedures  
 Chapter 16.120 DESIGN REVIEW

#### **16.120.050 Application filing, processing, and review procedures.**

- A. **Optional Preliminary Design Review.** The option of a preliminary design review is strongly encouraged and may be requested by applicants before the formal submittal of an application. This is an informal review by the Director or ARC in order to provide direction/guidance to project proponents before preparation of detailed designs/plans for formal application submittal.
- B. **Application.** The application shall be prepared in compliance with the Department handout for design review, filed with the Department, and accompanied by the fee required by the Council’s fee resolution.
- C. **Initial Review.** Each application shall be reviewed by the Director to ensure that the application is consistent with this Development Code, the City of Stockton Citywide Design Guidelines (Guidelines), other design guidelines that may be adopted by the City, and the purpose and intent of this chapter.
- D. **Procedures.**
  - 1. **Review.**

a. **Nondiscretionary Permits (Building Permit/Allowed Uses).** For projects that do not require any type of discretionary approval, the applicant shall submit design review plans before building permit submittal. The ARC shall review the submitted plans for compliance with the Guidelines, other design guidelines that may be adopted by the City, and/or applicable Development Code standards, and make recommendations and supporting findings in compliance with subsection (D)(2). Following the ARC's review of the plans, the Director shall prepare and transmit a list of the ARC's findings and recommendations to the applicant in a timely manner, noting that a request for reconsideration may be submitted, where applicable.

b. **Discretionary Permit/Entitlement.** For projects that require a discretionary approval of a development application (e.g., use permit, variance, land development permit, planned development permit, etc.), the applicant shall submit design review plans for the proposed project at the same time as the discretionary application is submitted to the Department. The Director shall review the project for compliance with the land use and development regulations contained in this Development Code. The ARC shall review the overall design of the project for compliance with the Guidelines and other design guidelines that may be adopted by the City. In reviewing the design of the project, the ARC shall use the guidelines as a reference, and make recommendations and supporting findings in compliance with subsection (D)(2). Following the ARC's review of the plans, the Director shall prepare and transmit a list of the ARC's findings and recommendations to the applicant in a timely manner, noting that a request for reconsideration may be submitted and/or that the Planning Commission is the final Design Review Authority, where applicable.

2. **List of Recommendations.**

a. The list of findings and recommendations shall be forwarded:

- i. To the applicant within 30 working days from the date the application is deemed complete by the Director.
- ii. To the applicable Review Authority for consideration simultaneously with any accompanying discretionary permit/entitlement application.

b. Where the recommendations would substantially alter a proposed development, the applicant may submit revised plans with a request for reconsideration by the ARC.

3. **Resubmittals.** Following a redesign of, or changes to, a project, the applicant shall resubmit an application for review and recommendation by the ARC. If a recommendation has not been reached by the ARC after two (2) reviews, the project shall be referred directly to the Director for a decision.

4. **Determination.** Following submittal of the list of recommendations to the applicant and the submittal of any revisions and request for reconsideration, if applicable, the Review Authority shall review the design of the project in compliance with the list of recommendations in subsection (D)(2), and:

a. **Nondiscretionary Permits.** Make a consistency determination.

b. **Discretionary Permit/Entitlement.**

- i. **Director.** If the final Design Review Authority is the Director, the Director shall make a consistency determination.
- ii. **Other Review Authorities.** If the Director is not the final Design Review Authority, the Director shall make a written recommendation to the Review Authority and the Design Review plans shall be considered with the application(s) by the applicable Review Authority identified in Table 4-1 (Review Authority). Following review of the design review plans, the Review Authority shall make a consistency determination.

E. **On-Site Review.** The review may include on-site inspection of the subject parcel, if deemed necessary by the ARC or the Director. (Ord. 015-09 C.S., eff. 12-3-09; Ord. 002-06 C.S. § 1; prior code § 16-515.050)

municipal Code Title 16 DEVELOPMENT CODE  
Division 5. Land Use/Development Procedures  
Chapter 16.132 HOME OCCUPATION PERMITS

**16.132.050 Allowable home occupations.**

The following are deemed appropriate business activities when conducted by the resident(s) of a dwelling in a manner accessory to, and compatible with, the residential characteristics of the surrounding neighborhood. Specific uses listed in Section 16.132.060 (Prohibited home occupation uses), below, shall not be allowed as a home occupation even if the activity could be interpreted to fall under one of the following allowed activities. Allowable home occupations shall include, but are not limited to, the following activities:

- A. Art work; artist's and sculptor's studio activities;
- B. Computer use;
- C. Lessons which do not generate pedestrian or vehicular traffic in excess of that normally attributed to the residential dwelling in which it is located, including lessons for art, music, and similar fine-art related activities; swimming; and tutors;
- D. Office use;
- E. Sewing, dressmaking, tailoring, hatmaking, and fashioning of other apparel;
- F. Small handcraft;
- G. Custom, one-of-a-kind items;
- H. Items created or assembled by hand, hand tools, or small mechanical equipment;
- I. Telephone sales; or
- J. Other uses that may, as determined by the Director, be of the same general character as those listed above, incidental to or compatible with residential activities, and not objectionable or detrimental to the applicable zoning district. (Prior code § 16-530.050)

Municipal Code Title 16 DEVELOPMENT CODE  
 Division 5. Land Use/Development Procedures  
 Chapter 16.136 LAND DEVELOPMENT PERMITS

### 16.136.030 Applicability.

The review of projects for appropriate and efficient development and layout of a site is an integral part of the development approval process. Therefore, the following, unless exempt under Section 16.136.040 (Exemptions), shall require review and approval of a land development permit by the Director:

- A. **Land Development Permit Required by Applicable Zoning.** Each use identified as requiring a land development permit “L” in Table 2-2, if:
1. **Construction.** The applicant proposes to construct or erect:
    - a. A new structure or improvement, or
    - b. An enlargement of an existing structure or improvement;
  2. **Expansion.** The existing use would be expanded within the existing structure or into an additional structure; or
  3. **Change of Use.** The land use would be a change to a more intensive land use, as determined by the Director.
- B. **Other Land Use Activities.** The following land use activities shall be allowed with a land development permit:
1. **Model Homes and Temporary Tract Sales Offices.** Temporary model homes and tract sales office for a specific development project may be established within the area of an approved development project, solely for the sale of homes in that project; and
  2. **Signs for Subdivisions.** Signs advertising model homes and homes for sale within the subdivision where the sign is located. (Prior code § 16-535.030)

Municipal Code Title 16 DEVELOPMENT CODE  
 Division 5. Land Use/Development Procedures  
 Chapter 16.164 TEMPORARY ACTIVITY PERMITS

### 16.164.030 Temporary activities.

- A. **Activities Exempt from Temporary Activity Permit.** The following temporary activities are allowed and exempt from the requirement for a temporary activity permit. Temporary activities that do not fall within the categories defined below shall comply with subsection B of this section (Activities allowed with temporary activity permit).
1. **Agricultural Activities.** The grazing of animals or the production of a crop in conjunction with an agricultural activity.
  2. **Boutique Sales.** Boutique sales of products handmade at the residence by the resident(s) which occur no more than four (4) days per calendar year.
  3. **Car Washes.** Car washes limited to 10 days per year for an individual location and 10 days per year for each sponsoring organization. Sponsorship shall be limited to educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, and the car wash shall be located on nonresidential property.



4. **Construction Yards.** An on-site contractors' construction yard, in conjunction with an approved construction project, where the yard would be located on the same site as the approved project.
5. **Emergency Facilities.** Emergency public health and safety needs/land use activities.
6. **Garage Sales on Private Property.** Garage sales on private property occurring no more than four (4) days per calendar year.
7. **Model Homes and Temporary Tract Sales Offices.** Temporary model homes and tract sales offices for a specific development project may be established, and kept until the project is sold out, within the area of an approved development project, solely for the sale of homes in that project and subject to a land development permit (Chapter 16.136).
8. **Outdoor Events and Seasonal Sales.** Special events related to an existing business with temporary outdoor display/sales of merchandise and seasonal sales lots in conjunction with an established commercial business which:
  - a. Holds a valid City business license; and
  - b. Is in compliance with Section 16.80.260 (Outdoor display and sales).
9. **Allowed Uses.** Temporary land uses in a zoning district, which allows that land use on a permanent basis in compliance with the permitting requirements in Table 2-2 (Allowable Land Uses and Permit Requirements).
10. **Signs for Subdivisions.** Temporary signs advertising subdivisions and model homes, in compliance with Section 16.76.100(I)(1) (Subdivision signs) shall be allowed subject to a land development permit (Chapter 16.136).
11. **School Events.** Events held exclusively on school grounds, and which are in conjunction with the school use.
12. **Special Events Permit.** Activities requiring a special events permits in compliance with Chapter 12.72 of the Municipal Code.
13. **Temporary Work Trailer(s).** Trailer or mobilehome as a temporary work site for employees of a business:
  - a. During construction or remodeling of a permanent residential, commercial, or manufacturing structure, when a valid building permit is in force; or
  - b. It can be demonstrated that this temporary work site is a short-term necessity, while a permanent work site is being obtained.
14. **Personal Celebrations.** Noncommercial events at which people celebrate personal occasions such as birthdays, weddings, anniversaries, graduations, and similar events, provided:
  - a. There is no charge for admission or use of facility;
  - b. There are no donations;
  - c. There are no public advertisements, announcement, or flyers;
  - d. It is not open to the public; and
  - e. It is subject to the noise standards (Chapter 16.60).

15. **Other.** Other temporary activities that the Director deems to be a suitable activity that is in compliance with this chapter.

**B. Activities Allowed with a Temporary Activity Permit.** The following temporary activities may be allowed, subject to the issuance of a temporary activity permit by the Director upon recommendation from applicable City departments issued before the commencement of the activity. Activities that do not fall within the categories defined below shall comply with the use and development regulations and entitlement review provisions that otherwise apply to the property.

1. **Auctions.** Temporary auctions, for no more than two (2) days per calendar year per site, for the sale of items (e.g., antiques, collectibles, household components, motor vehicles, etc.) from the home or business on the site of the auction and that have been authorized to be sold by the auctioneer. A longer time period may be authorized with the approval of an Administrative Use Permit in compliance with Chapter 16.168 (Use Permits).

2. **Construction Yards.** An off-site contractors' construction yard, in conjunction with an approved construction project, where the yard would be located on a site different from the site of the approved project. The permit shall expire upon completion of the construction project, or the expiration of the companion building permit authorizing the construction project, whichever first occurs.

3. **Farmers' Markets.** Farmers' markets for no more than two (2) consecutive days per week at the same location.

4. **Swap Meets and Sale of Used Materials.** Swap meets, rummage sales, secondhand sales, flea markets, or sale of used materials for no more than two (2) consecutive days per calendar year.

5. **Produce Stands.** Temporary produce stands in compliance with Section 16.80.280 (Produce stands).

6. **Temporary Residence.** A mobilehome used as a temporary residence for the property owner when a valid building permit for a new single-family dwelling is in force. The permit may be approved for up to 12 months or expiration of the building permit, whichever first occurs.

7. **Seasonal Sales Lots.**

a. Seasonal sales activities (e.g., Halloween, Christmas, etc.) including temporary residence/security trailers, on nonresidential properties, for up to 45 days. If the application is for more than one (1) seasonal sales activity, the temporary activity permit may be for up to 45 additional days for each additional activity to a maximum of 180 days.

b. A permit shall not be required when the sales are in conjunction with an established commercial business holding a valid City business license in compliance with subsection (A)(10) of this section (Outdoor events and seasonal sales). Christmas tree lots and holiday sales facilities shall be in compliance with the standards in Section 16.80.110 (Christmas tree/holiday sales facilities).

c. This category does not include produce stands (subsection (B)(5) of this section).

8. **Storage.** Enclosed temporary storage, unrelated to a construction project, including a cargo container, containerized storage unit, and sea-train, may be approved for a maximum time of 12 months from the date of approval. An initial time period of more than 12 months may be authorized with the approval of an Administrative Use Permit in compliance with Chapter 16.168 (Use Permits).

9. **Temporary Nonresidential Structures.** A temporary classroom, office, or similar structure, including a manufactured or mobile unit, may be approved, for a maximum time period of 12 months from the date of approval, as an accessory use or as the first phase of a development project. An initial time period of more than 12 months may be authorized with the approval of an Administrative Use Permit in compliance with Chapter 16.168 (Use Permits).

10. **Uses Allowed With a Discretionary Permit.** A land use which requires a discretionary permit may operate for 12 months or less with a temporary activity permit.

11. **Similar Temporary Activities.** Other temporary activities which, in the opinion of the Director, are similar in nature and intensity to those identified above. (Ord. 015-09 C.S., eff. 12-3-09; Ord. 001-08 C.S. §§ 27, 28; Ord. 023-07 C.S. §§ 117, 118; prior code § 16-570.030)

Municipal Code Title 16 DEVELOPMENT CODE

Division 6. Subdivision Regulations

Chapter 16.180 APPLICABILITY AND ADMINISTRATION OF SUBDIVISION REGULATIONS

**16.180.060 Review authorities for subdivision decisions.**

Table 6-1 (Review Authorities for Subdivision Decisions) and the provisions of Chapter 16.212 (Administrative Responsibility) identify the City official or authority responsible for reviewing and making decisions on each type of subdivision application and other decision required by this Subdivision Ordinance. Any reference to a City official or authority shall include their authorized representative(s).

**TABLE 6-1  
REVIEW AUTHORITIES FOR SUBDIVISION DECISIONS**

Type of Subdivision Application	Role of Review Authority						Reference
	Director	City Engineer	Director of Municipal Utilities	Development Review Committee	Commission	Council	
Parcel Map Waivers	Recommended	Decision			Appeal	Appeal	Section <u>16.192.020</u>
Tentative Maps	Recommended			Recommended	Decision	Appeal	Chapter <u>16.188</u>

Tentative Parcel Maps	Decision			Recommend	Appeal	Appeal	Chapter <u>16.188</u>
Tentative Map Time Extensions	Recommend			Recommend	Decision	Appeal	Section <u>16.188.100</u>
Tentative Parcel Map Time Extensions	Decision			Recommend	Appeal	Appeal	Chapter <u>16.188</u>
Parcel Maps—4 or fewer parcels	Recommend	Decision					Chapter <u>16.192</u>
Final Maps—5 or more parcels		Recommend				Decision	Chapter <u>16.192</u>

(Ord. 023-07 C.S. § 121; prior code § 16-610.060)

Municipal Code Title 16 DEVELOPMENT CODE

Division 6. Subdivision Regulations

Chapter 16.188 TENTATIVE MAP AND TENTATIVE PARCEL MAP FILING AND PROCESSING

**16.188.050 Review and decision.**

**A. Development Review Committee (DRC).** The DRC shall:

1. **Review.** Review the tentative map or tentative parcel map for:
  - a. Compliance and consistency with applicable provisions of this Development Code, the Municipal Code, the General Plan, any applicable specific plan, precise road plan, or master utility plan, the City's standard specifications and plans, and the Map Act;
  - b. Conditions necessary for the tentative map to comply with the above requirements; and
  - c. Possible grounds for disapproval based on the findings in Section 16.188.060 (Findings and decision).
2. **Recommend.** Make a recommendation for approval, approval with conditions, or disapproval to the Director.

**B. Decision.**

1. **Tentative Parcel Maps (Four (4) or Less Parcels).** Except as modified by this chapter, the Director shall notice and approve, conditionally approve, or disapprove a tentative parcel map for four (4) or less parcels in accordance with Section 16.88.050(B) (Administrative review procedure). The Director:

- a. Shall consider the recommendations of the DRC, any agency comments on the map, and any public testimony;
- b. Shall review and evaluate each tentative parcel map as to its compliance and consistency with applicable provisions of this Development Code, the Municipal Code, the General Plan, any specific plan, master development plan, or precise road plan, any master plan, the City's standard specifications and plans, and the Map Act. The Director shall consider any initial study or environmental impact report, where applicable;
- c. Shall approve or conditionally approve a tentative parcel map only after the Director has first made all findings required by Section 16.188.060 (Findings and decision); and
- d. May impose conditions of approval in compliance with Section 16.188.070 (Conditions of approval).

2. **Tentative Maps (Five (5) or More Parcels).**

- a. **Director.** The Director shall prepare a staff report to the Commission in compliance with subsection (B)(2)(b) of this section (Notice and hearing), describing the conclusions of the evaluations of the map, and recommending that the Commission approve, conditionally approve, or disapprove the tentative map.
- b. **Notice and Hearing.** Following the review and recommendation by the DRC, the Commission shall conduct a public hearing. Notice and conduct of the hearing shall comply with Section 16.88.050(C) (Public hearing review procedure), for actions in which the Commission is the Review Authority.
- c. **Scheduling of Hearing, Action.** In compliance with the Map Act (Section 66452.1), a public hearing on a tentative map shall be scheduled, and action shall be taken, within 50 days after:
  - i. The tentative map application has been deemed complete; and
  - ii. An Environmental Impact Report has been certified, a negative declaration has been adopted, or the project has been determined to be exempt from CEQA.
- d. **Distribution of Staff Report.** The staff report on the tentative map shall be mailed to the developer at least three (3) days before any hearing or action on the tentative map by the Commission.
- e. **Hearing.** During the hearing, the Commission:
  - i. Shall consider the recommendations of the Director, Development Review Committee, any agency comments on the map, and any public testimony;
  - ii. Shall review and evaluate each tentative map as to its compliance and consistency with applicable provisions of this Development Code, the Municipal Code, the General Plan, any specific plan, precise road plan, or master development plan, and the Map Act. The Commission's evaluation shall be based on the staff

report, information provided by an initial study or environmental impact report (EIR), where applicable, and any public testimony received;

iii. Shall approve or conditionally approve a tentative map only after the Commission has first made all findings required by Section 16.188.060 (Findings and decision); and

iv. May impose conditions of approval in compliance with Section 16.188.070 (Conditions of approval).

(Prior code § 16-630.050)

Municipal Code Title 16 DEVELOPMENT CODE  
Division 7. Development Code Administration  
Chapter 16.216 BOUNDARY CHANGES

**16.216.070 Annexation process.**

If the City initiates the annexation proceedings with LAFCO, the following process shall be followed in order to secure annexation to the City:

- A. **Submittal.** Annexation requests shall be submitted to the Director with the appropriate documentation required in the annexation packet, including a petition signed by the property owner(s), a signed annexation memorandum of understanding (MOU), and applicable fees;
- B. **Concurrent Applications.** Where possible, annexation requests shall be processed concurrently with project applications;
- C. **Rezoning.** The property subject to the annexation shall be rezoned before the annexation;
- D. **City Services Plan and Cost/Benefit Analysis.** A City services plan and a cost/benefit analysis shall be prepared by staff or an independent contractor;
- E. **Agricultural Conversion Statement.** If applicable, an agricultural conversion statement, including a vacant residential land inventory and build-out rate, shall be prepared by staff or an independent contractor;
- F. **Environmental Consideration.** The annexation request shall be subject to the requirements of CEQA.
- G. **Development Review Committee (DRC).** The DRC shall:
  - 1. Evaluate:
    - a. The City services plan and the cost/benefit analysis, and
    - b. The annexation proposal; and
  - 2. Forward a written recommendation to the City Manager;
- H. **Council.** The Council shall determine whether the City should file the annexation request with LAFCO.
  - 1. **Council Resolution.** To file the annexation request, the Council shall approve a resolution authorizing the filing of an annexation.
  - 2. **Findings.** The Council, in adopting the resolution to file the annexation, shall make all of the following findings of fact:

- a. The unincorporated property is within, or will be within, the urban services area of the City;
- b. The property has been rezoned with City of Stockton zoning designations;
- c. The proposal is contiguous to existing City limits;
- d. The proposal does not split lines of assessment or ownership;
- e. The proposal does not create islands or areas in which it would be difficult to provide City services; and
- f. The proposal is consistent with the land uses, objectives, policies, and programs of the General Plan; any applicable specific plan, precise road plan, or master development Plan; and other adopted goals and policies of the City.

I. **Submittal to LAFCO.** Upon Council approval to file, the Director shall file the annexation proposal with LAFCO, including the justification of proposal, the Council's resolution, the City services plan, environmental documents, legal description, and map.

J. **Public Hearings.** Public hearings before LAFCO shall be conducted in compliance with State law (Government Code Sections 57000 et seq.).

K. **Notifications.** After an annexation is ordered, notifications of the annexation shall be sent to all affected property owners and appropriate departments and agencies. (Prior code § 16-720.070)

Municipal Code Title 16 DEVELOPMENT CODE  
Division 7. Development Code Administration  
Chapter 16.220 CULTURAL RESOURCES

#### **16.220.060 Certificates of appropriateness.**

##### **A. Applicability.**

1. **Certificate of Appropriateness Required.** Except for exemptions listed below, a certificate of appropriateness shall be required for the following:

- a. Any exterior alteration, expansion, demolition, relocation, or removal of any artifact, natural feature, site, or structure within a historic preservation district;
- b. Any exterior alteration, expansion, construction, demolition, relocation, or removal of any designated historic landmark;
- c. Any new construction within a historic preservation district or on the property of a landmark; and
- d. Any removal, alteration, expansion, or addition of lights, signs, landscaping, street trees, or other frontage improvements in a historic preservation district or property of a landmark.

2. **Exemptions.** The requirement for a certificate of appropriateness shall not apply to the following:

- a. Interior changes to a structure;
- b. Minor changes, including:

- i. Landscaping which does not alter the style of the site or structure or adversely impact the general architectural and/or cultural features of the property;
- ii. Electronic security systems;
- iii. Interior fire and life safety devices and/or systems; and
- iv. Other conditions the Director determines to be minor.

c. If the Director determines that an emergency or hazardous condition exists and that it needs to be corrected to ensure public health, safety, and welfare.

3. **Environmental Compliance.** A certificate of appropriateness shall be subject to the requirements of CEQA and the City's CEQA Guidelines.

B. **Requirement for Certificate of Appropriateness.** A certificate of appropriateness shall be required:

1. **In Addition to Other Permits.** In addition to any other permits required by this Development Code or the Municipal Code; and
2. **Before Issuance of Other Permits.** Before issuance of any other permit to alter, demolish, or remove in any way the architectural features or appearance of the resource.

C. **Application Filing, Processing, and Review.**

1. **Filing.**

- a. An application for a certificate of appropriateness shall be completed and filed, with any applicable fee, with the Department.
- b. Applications shall include plans, specifications, and photographs, as required on the application, showing the proposed change in architectural appearance, texture of materials, and the proposed architectural design of the structure.
- c. Applications for certificates of appropriateness may propose discreet alterations of a cultural resource or may propose a long-term plan of rehabilitation and preservation of a particular resource.
- d. It is the responsibility of the applicant to provide evidence in support of the findings required by subsection G of this section (Findings and decision).

2. **Application Review Procedures.**

- a. Each application shall be reviewed by the Director to ensure that the application is consistent with the purpose and intent of this chapter.
- b. The Director shall transmit the application and plans to the Board for evaluation and written recommendation.

3. **Noticing for Certificate of Appropriateness—Not Required.** A public notice or hearing shall not be required for the Review Authority's action on a certificate of appropriateness.

D. **Board Review.** The Cultural Heritage Board shall review the application and plans based on appropriate considerations, which include the following:

1. Architectural design and style;
2. Texture and surface materials;
3. Appurtenant fixtures, fences, signs, and steps;



4. Major landscaping, alterations, additions, and/or removals;
5. Site development and placement of structures;
6. Height and bulk of structures;
7. Parking provisions;
8. Public areas including fixtures, signs, street furniture, and trees; and
9. Relation of the proposed work to the surrounding neighborhood.

**E. Conditions of Approval.**

1. In approving a certificate of appropriateness, the Review Authority may impose specific conditions as it finds are reasonable and necessary to ensure that the approval would be in compliance with the findings required by subsection G of this section (Findings and decision), and to carry out the purpose and requirements of this chapter, the respective zoning district, and any applicable overlay zone.
2. The conditions shall run with the land.

**F. Recommendation and Decision.** Within 45 days of the application and plans being deemed complete, the Board shall recommend that the Director, either approve or disapprove the application, in whole or in part. An extension may be granted at the written request of the applicant. The Board's recommendation shall include findings of fact relating to the criteria for obtaining the certificate, in compliance with subsection G of this section (Findings and decision).

**G. Findings and Decision.** The Board and applicable Review Authority shall enter the decision in writing with the findings of fact on which the decision is based. The certificates of appropriateness shall be approved, with or without conditions, only if all of the following findings of fact can be made. The issuance of the certificates of appropriateness would:

1. Designate, enhance, preserve, protect, restore, and perpetuate those historic districts, neighborhoods, sites, structures, and zones, which contribute to the aesthetic and cultural benefit of the City;
2. Encourage public appreciation, knowledge, and understanding of, and a sense of identity with, the City's past;
3. Foster civic and neighborhood pride in the accomplishments and beauty of the past;
4. Stabilize and improve the economic value of historic districts, neighborhoods, sites, structures, and zones;
5. Help preserve the diverse architectural design and styles that reflect phases of the City's history, and encourage complementary design and construction; and
6. Promote and encourage continued private ownership and utilization of structures currently owned and used.

**H. Notice of Issuance.** The Director shall send notice of the issuance of the certificate to the following:

1. The applicant;
2. The Board;
3. The respective Historic District Advisory Committee, if applicable; and
4. Affected City departments.

## I. **Post Approval Procedures.**

1. **Applicable Procedures.** Unless otherwise stated below, the requirements for the use of property, issuance of a business license or certificate of occupancy, and performance guarantees following approval of a certificate of appropriateness shall be in compliance with Chapter 16.92 (Implementation Procedures, Conditions, and Requirements). In addition, the following procedures may apply after approval of a certificate of appropriateness:

- a. Appeals in compliance with Chapter 16.100 (Appeals);
- b. Changes to the project in compliance with Chapter 16.104 (Changes to an Approved Project); and
- c. Revocation/modification in compliance with Chapter 16.108 (Revocation and Modification).

2. **Expiration/Extension.** To ensure continued compliance with the provisions of this chapter, each approved certificate of appropriateness shall expire 12 months from the date on which final action was taken to approve the application, unless otherwise identified in the certificate, if the alteration, construction, demolition, relocation, or removal has not been initiated. Time extensions may be granted in compliance with Chapter 16.96 (Expiration and Extensions). (Prior code § 16-730.060)

Municipal Code Title 16 DEVELOPMENT CODE  
Division 8. Glossary  
Chapter 16.240 DEFINITIONS/GLOSSARY

### **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.

- A -

**Academic Schools.** See “Educational facilities.”

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

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

**Accessory Living Quarters.** See “Guest house.”

**Accessory Residential Uses and Structures.** Any use and/or structure that is customarily a part of, and clearly incidental and secondary to, a residence and does not change the character of the

residential use. These uses include the following detached accessory structures, and other similar structures normally associated with a residential use of property:

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

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

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

**Accessory Structure.** See “Structure.”

**Accessory Use.** See “Use, accessory.”

† **Activity Centers (Land Use).** Public or privately-owned multipurpose meeting and recreational facilities open to the general public, and typically consisting of one or more meeting or multi-purpose rooms or buildings designed to accommodate public gatherings or meetings for the purpose of recreational, educational, or cultural endeavors. May include incidental kitchen and/or outdoor barbecue facilities. Includes community centers.

† **Adult Day Care Facilities (Land Use).** State-licensed facilities that provide nonmedical care and supervision for more than six adults for periods of less than 24 hours for an individual client.

† **Adult-Related Establishments (Land Use).** Any adult bookstore, adult hotel or motel, adult motion picture arcade, adult motion picture theater, adult video store, cabaret, sexual encounter center, or any other business or establishment that offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” but not including those uses or activities, the regulation of which is preempted by State law.

1. **Adult Bookstore or Novelty Store.** An establishment which has more than 25 percent of its total sales or stock in trade materials that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas,” as defined below.

2. **Adult Hotel or Motel.** A hotel, motel, or other overnight lodging establishment, which provides, through closed circuit television or other media, material which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas,” (as defined below), for observation by patrons therein.
3. **Adult Motion Picture Arcade.** Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing “specified sexual activities” or “specified anatomical areas,” (as defined below), for observation by patrons therein. Includes “private entertainment facilities.”
4. **Adult Motion Picture Theater.** An enclosed or unenclosed building or structure or portion thereof used for presenting material in the form of motion picture film, video tape, slides, or other similar means, which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas,” (as defined below), for observation by patrons therein.
5. **Adult Theater.** Any theater, concert hall, auditorium, or similar commercial establishment which has more than 25 percent of its total sales from featuring persons who appear in a state of nudity or semi-nude condition and/or from featuring live performances, which are distinguished or characterized by an emphasis upon the exposure of specified anatomical areas or by specified sexual activities.
6. **Adult Video Store.** An establishment having 25 percent or more of its total stock in trade in video tapes for sale or rental or having viewing on the premises which contains material that is distinguished or characterized by its emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas,” as defined below, or an establishment with a segment or section of the store devoted to the sale or display of such material.
7. **Cabaret.** A bar, nightclub, theater, or other establishment which features live performances by topless and/or bottomless dancers, “go-go” dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas,” (as defined below), for observation by patrons therein.
8. **Massage Parlor.** An establishment where, for any form of consideration or gratuity, massage, alcohol rub, administration or fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs. Does not include massage therapists (“Medical services—Health-related facilities”); masseuses under the supervision of doctors, chiropractors, physical therapists (“Medical services—Medical-related facilities”).
9. **Material.** Relative to adult businesses, means and includes, but is not limited to, accessories, books, devices, magazines, pamphlets, photographs, prints, drawings, paintings, motion pictures, and video tapes, or any combination thereof.
10. **Model Studio.** An establishment where, for any form of consideration or gratuity, figure models who display “specified anatomical areas” (as defined below) are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by patrons

paying such consideration or gratuity, except when the patrons are in attendance at art or photography classes.

11. **Sexual Encounter Center.** Any business, agency, or person who, for any form of consideration or gratuity, provides a place where three (3) or more persons may congregate, assemble, or associate for the purpose of engaging in “specified sexual activities” or exposing “specified anatomical areas.”

12. **Specified Anatomical Areas.** Means:

- a. Less than completely and opaquely covered human genitals or pubic region, buttock, and female breast below a point immediately above the top of the areola; and
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

13. **Specified Sexual Activities.** Means:

- a. Human genitals in a state of sexual stimulation or arousal;
- b. Acts of human masturbation, sexual intercourse, or sodomy;
- c. Fondling or other erotic touching or sexual stimulation of human genitals, pubic region, buttock, or female breasts.

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

**Affordable Housing.** See “Household income.”

**Affordable Rent.** Monthly housing expenses, including a reasonable allowance for utilities, for rental target units reserved for very low or low-income households, not exceeding the following calculations:

- 1. **Very Low-Income.** 50 percent of the area median income for the County, adjusted for household size, multiplied by 30 percent and divided by 12.
- 2. **Low-Income.** 60 percent of the area median income for the County, adjusted for household size, multiplied by 30 percent and divided by 12.

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

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

† **Agricultural Activities and Facilities (Land Use).** The production, keeping, or maintenance for sale, lease, or personal use, of plants and animals useful to man, including the following:

- 1. **Animal Production/Keeping.** The keeping or raising of farm animals (including cattle, goats, horses, sheep), fowl, poultry, fish, and other animals not commonly regarded as household pets. Does not include wild animals as defined in Section 6.04.020 of the Municipal Code, which are not permitted; swine, including pot-bellied pigs, which are not permitted; or cats, dogs, and other household pets.
- 2. **Crop Production.** The production of harvestable products that are planted, grown, and cultivated in the soil.

3. **Accessory Uses and Structures.** A use or structure that is in addition to, secondary and incidental to, and commonly associated with the primary use or structure, including barns, silos, coops, sheds, and farm labor housing.

**Agricultural Production/Keeping.** See “Agricultural activities and facilities.”

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

**Airport (Major Impact Facility).** Any area of land or water used for the landing and take-off of aircraft as well as any appurtenant areas used for airport buildings, aircraft operations, and related facilities, including aprons and taxiways, control towers, hangers, safety lights, and structures. Such facilities may also include parachute jump areas and FAA-certified parachute lofts; and facilities for aircraft manufacturing, maintenance, repair, and reconditioning. Public airports may include aircraft sales and dealerships, beauty and barber shops, car rental establishments, gift shops, hotels and motels, restaurants and bars, tobacco and news stands, and other similar commercial uses serving the air-traveling public and airport employees. Also includes agricultural, personal, restricted, and public use landing strips, defined as follows:

1. **Agricultural or Personal Landing Strip.** A landing strip or heliport for agricultural crop dusting or personal use of the tenant or owner of the site, not available for public use, and with no commercial operations.
2. **Restricted Use Airfield.** A landing strip or heliport with exclusive rights of use reserved to the owners or tenants of units within any cluster development, multifamily development, subdivision, industry, or institution, with not more than 10 based aircraft; or an emergency heliport in conjunction with a hospital or public safety facility.
3. **Public Use Airfield.** Any landing strip, airport, or heliport available for public use, or listed in the Airport Directory of the current Airman’s Information Manual or in the Pacific Airman’s Guide and Chart Supplement.

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

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

1. **Airport Elevation.** 30 feet above mean sea level.
2. **Approach Surface.** A surface longitudinally centered on the extended runway center line, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation established by Section 16.28.030 (Aircraft operations (-AIR) overlay district). The perimeter of the approach surface coincides with the perimeter of the approach zone.
3. **Conical Surface.** A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to one (1) for a horizontal distance of 4,000 feet.

4. **Hazard to Air Navigation.** An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
5. **Horizontal Surface.** A horizontal plane 150 feet above the established airport elevation, the perimeter of which, in the plane, coincides with the perimeter of the horizontal zone.
6. **Larger than Utility Runway.** A runway that is constructed for and intended to be used by: propeller driven aircraft of greater than 12,500 pounds maximum gross weight; and jet aircraft.
7. **Obstruction.** Any structure, growth, or other object, including a mobile object, which exceeds a limiting height established by Section 16.28.030 (Aircraft operations (-AIR) overlay district).
8. **Precision Instrument Runway.** A runway having an existing instrument approach procedure utilizing an instrument landing system (ILS), or a precision approach radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or other applicable planning document.
9. **Primary Surface.** A surface longitudinally centered on an airport runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
10. **Runway.** A defined area on an airport prepared for the landing and takeoff of aircraft along its length.
11. **Transitional Surfaces.** These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.
12. **Tree.** Any object of natural growth.

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

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

**Allowed Use.** A use of land identified by Division 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards) as a permitted or conditional use that may be established with land use permit and, where applicable, by site plan, site plan and design review, and/or building permit approval, subject to compliance with all applicable provisions of this Development Code.

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

**Ambulance Service.** See “Medical services.”

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

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

† **Animal Services (Land Use).** Establishments that provide a variety of services for household pets on a fee or contract basis, including the following, but not including pet stores (“Pet Stores”).

1. **Kennels and Boarding Facilities (Land Use).** Commercial facilities for the keeping, grooming, boarding, selling, or maintaining of four (4) or more dogs or cats, four (4) months of age or older for commercial purposes, except for dogs or cats in pet shops. Includes kennels and catteries.
2. **Pet Grooming (Land Use).** A commercial facility for the washing, brushing, trimming, and other activities for the grooming of household pets.
3. **Training Facilities (Land Use).** Business facilities for the individual or group training of an animal by either the owner or a trainer.
4. **Veterinary Clinics and Animal Hospitals (Land Use).** Office and medical treatment facilities used by veterinarians where animals receive medical and surgical treatment, including large and small animal veterinary clinics, and animal hospitals. Grooming and temporary boarding of animals for 30 days is included if incidental to the hospital use.

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

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

1. **Antenna, Dish.** A dish-like antenna used to link communication sites together by wireless transmissions of voice or data. Also called microwave dish antenna.
2. **Antenna, Panel.** An antenna or array of antennas that are flat and rectangular and are designed to concentrate a radio signal in a particular area. Also referred to as a directional antenna.
3. **Antenna, Satellite or Dish.** An antenna for the home, business, or institutional reception of television, data, and other telecommunications broadcasts from orbiting satellites.
4. **Antenna, Whip.** An antenna that transmits signals in 360 degrees. These are typically cylindrical in shape and are less than six (6) inches in diameter. Also called omnidirectional, stick or pipe antennas.

**Antique Store.** A retail store selling works of art, pieces of furniture or decorative objects made at least 50 years prior to the date of display in the store.

**Apartment or Apartment Building.** See “Multifamily dwellings.”

**Apartment Hotel.** A building or portion of a building designed for, or containing both individual guest rooms or suites of rooms and dwelling units.



**Apartment Unit.** An individual dwelling unit within an apartment structure intended or designed to be occupied by one family for living and sleeping purposes.

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

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

**Arcade.** See “Commercial amusement facilities.”

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

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

† **Artisan Shops (Land Use).** Retail stores selling art glass, ceramics, jewelry, and other art and handcrafted items, where the facility includes an area for the crafting of the items being sold.

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

**Assisted Living Facilities.** See “Residential care homes.”

† **Auditoriums, Meeting Halls, and Theaters (Land Use).** Indoor facilities for public assembly and group entertainment, other than sporting events, including:

civic theaters, meeting halls, and facilities for “live” theater and concerts	motion picture theaters public and semi-public auditoriums
exhibition and convention halls	similar public assembly uses
meeting halls and banquet facilities for rent	

Includes adult motion picture theaters and similar adult related uses, which shall comply with standards in Section 16.80.030 (Adult-related establishments). Does not include outdoor theaters, concert and similar entertainment facilities, and indoor and outdoor facilities for sporting events (“Recreation facilities—Outdoor commercial recreation”), or “Private entertainment facilities.”

† **Auto and Vehicle Leasing, and Rental (Land Use).** Establishments leasing, and/or renting new or used automobiles, trucks and vans. Includes automobile rental facilities. Does not include: the sale of new or used automobiles, trucks, and vans (“Auto and vehicle sales—New” and “Auto and vehicle sales—Used”); moving rentals (“Outdoor retail sales”).

† **Auto and Vehicle Sales—New (Land Use).** Establishments selling new automobiles, trucks, and vans. May also include repair shops and the sales of parts and accessories incidental to vehicle dealerships. Does not include: the sale of auto parts/accessories separate from a vehicle dealership (“Auto parts sales”); bicycle and moped sales (“Retail stores”); motorcycle sales (“Recreational vehicle and boat sales, leasing, and rental”); tire recapping establishments (“Major repair/body work”); businesses dealing exclusively in used parts (“Recycling—Scrap and dismantling yards”);

semi- and heavy trucks (“Construction, farm, and heavy equipment sales”); moving rentals (“Outdoor retail sales”); or gas stations (“Auto and vehicle services—Fueling stations”).

† **Auto and Vehicle Sales—Used (Land Use).** Establishments selling used automobiles, trucks, and vans. May also include repair shops and the sales of parts and accessories incidental to vehicle dealerships. Does not include: the sale of auto parts/accessories separate from a vehicle dealership (“Auto parts sales”); bicycle and moped sales (“Retail stores”); motorcycle sales (“Recreational vehicle and boat sales, leasing, and rental”); tire recapping establishments (“Major repair/body work”); businesses dealing exclusively in used parts (“Recycling—Scrap and dismantling yards”); semi- and heavy trucks (“Construction, farm, and heavy equipment sales”); moving rentals (“Outdoor retail sales”); or gas stations (“Auto and vehicle services—Fueling stations”).

† **Auto and Vehicle Services (Land Use).** The repair, alteration, restoration, towing, painting, cleaning (including self-service and attended car washes), or finishing of automobiles, trucks, recreational vehicles, boats, and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes:

1. **Car Washes (Land Use).** Permanent, self-service, and/or attended car washing establishments, including fully mechanized facilities. May include detailing services. Temporary car washes are fundraising activities where volunteers wash vehicles by hand, and are subject to the requirements of Chapter 16.164 (Temporary Activity Permits).
2. **Fueling Stations (Land Use).** A retail business selling gasoline or other motor vehicle fuels for gasoline-powered vehicles or charging of electric vehicles, which may also provide services which are incidental to fuel services. These secondary services may include vehicle engine maintenance and repair and towing, as well as minor, accessory retail sales. Includes gasoline stations and service stations. Does not include the storage or repair of wrecked or abandoned vehicles (“Recycling and waste facilities”); vehicle painting, body or fender work (“Auto and vehicle services—Major repair/body work”); trailer rental service (“Outdoor retail sales and activities”); or the rental of vehicle storage or parking spaces (“Auto and vehicle services—Parking facilities” and “Auto and vehicle services—Vehicle storage”).
3. **Inoperable Vehicle Storage (Land Use).** Facility for the storage of vehicles with no functioning means of propulsion.
4. **Maintenance/Minor Repair (Land Use).** Facilities specializing in limited aspects of repair and maintenance. Includes muffler and radiator shops and quick-lube.
5. **Major Repair/Body Work (Land Use).** Repair facilities dealing with entire vehicles, including repairs requiring the need to pull the engine. Includes towing, collision repair, other body work, and painting services; and tire recapping establishments.
6. **Parking Facilities (Land Use).** Any area in, under, or outside of a building or structure that is designed and used primarily for the temporary parking of operable motor vehicles, including parking lots, garages, and park and ride lots. Does not include parking facilities needed to meet off-street parking requirements.
7. **Vehicle Storage (Land Use).** Service establishments in the business of storing operative cars, trucks, buses, recreational vehicles, boats, and other motor vehicles for clients. Includes long-term public and commercial garages, parking lots and structures, except when accessory to a primary use. (All primary uses are considered to include any customer or public use off-

street parking required by the Development Code.) Includes sites where vehicles and/or trailers are stored for rental or leasing. Does not include dismantling yards (“Recycling facilities—Scrap and dismantling yards”).

**Auto Center.** A group of at least five (5) automobile dealerships on at least three (3) acres.

† **Auto Parts Sales (Land Use).** Stores that sell new automobile parts, tires, and accessories. May also include minor parts installation. Does not include tire recapping establishments (“Auto and vehicle services—Major repair/body work”) or businesses dealing exclusively in used parts (“Recycling and waste facilities”).

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

**Automobile Repair.** See “Auto and vehicle services.”

**Automobile Dismantling Yard.** See “Recycling and waste facilities.”

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

## - B -

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

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

† **Banks and Financial Services (Land Use).** Financial institutions for the deposit, saving, cashing, investing, and/or management of money and related assets, including:

banks and trust companies	other investment companies
check cashing	securities/commodity contract brokers and dealers
credit agencies	security and commodity exchanges
holding (but not primarily operating) companies	vehicle finance (equity) leasing agencies
lending and thrift institutions	

**Bars and Nightclubs.** See “Alcoholic beverage sales.”

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

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

**Bed and Breakfast Inns.** See “Lodging facilities.”

**Billboards.** See “Signs, off-premises.”

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

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

**Boarding House.** See “Rooming and boarding houses.”

† **Bridge Clubs and Nongambling Board Games (Land Use).** Nongambling establishments providing facilities for the participation in the game of bridge, chess, checkers, backgammon, or other board games. Does not include card rooms or board games involving gambling (“Card rooms and pool halls/billiard parlors”).

† **Broadcasting Studios (Land Use).** Commercial and public communications uses. Includes radio and television broadcasting and receiving stations and studios, with facilities entirely within buildings. Does not include transmission and receiving apparatus, including antennas and towers (“Communications facilities”).

**Building.** See “Structure.”

† **Building Material Stores (Land Use).** Retail establishments selling lumber and other large building materials, where the majority of storage, display, and sales occur indoors. Includes: paint, wallpaper, glass, fixtures, nursery stock, and lawn and garden supplies sold to the general public, even if contractor sales account for a major proportion of total sales; incidental retail ready-mix concrete operations. Does not include: establishments primarily selling electrical, plumbing, heating, and air conditioning equipment and supplies (“Warehousing and distribution”); hardware stores (“Retail stores”); or the outdoor sale of building materials, including lumber yards (“Outdoor retail sales and activities”).

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

**Billboards.** See “Signs, off-premises.”

† **Business Support Services (Land Use).** Establishments primarily within buildings, providing other businesses with services including maintenance, repair and service, testing, rental, etc. Includes:

blueprinting	light equipment repair services where repair occurs on the client site
business equipment repair services (except vehicle repair, see “Vehicle Services”)	janitorial services
commercial art and design (production)	mail advertising services (reproduction and shipping)
computer-related services (rental, repair)	photocopying
copying, quick printing, and blueprinting services	photofinishing
equipment rental businesses within buildings (rental yards are under “Equipment Rental”)	protective services (other than office related)
	security services

film processing laboratories

soils and materials testing laboratories

window cleaning

- C -

**Cabinet Shop.** See “Furniture and fixtures manufacturing.”

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

**Campgrounds.** See “Recreational vehicle parks.”

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

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

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

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

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

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

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

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

Chapter 3.2 of Division 2 of the California Health and Safety Code; (5) a residential hospice or home health agency licensed pursuant to Chapter 8 of Division 2 of the California Health and Safety Code.

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

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

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

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

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

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

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

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

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

**Canning and Kindred Food Products Manufacturing.** See “Manufacturing, heavy manufacturing.”

**Car Washes.** See “Auto and vehicle services.”

† **Card Rooms (Land Use).** Business, activity, or enterprise conducting card games, as defined in Title 5 of SMC. Does not apply to any bona fide nonprofit society club, fraternal, labor, or other organizations having adopted bylaws and duly elected directors and members having exclusive use of these facilities at no charge, and whose operation is incidental to the main purpose of the

organization. Does not include bridge clubs, chess clubs, and other nongambling board games (“Bridge clubs and nongambling board games”). Card rooms shall comply with the standards for problem uses (Section 16.80.270).

**Care Homes, Six (6) or Fewer Clients.** See “Residential care homes.”

† **Caretaker and Employee Housing (Land Use).** A temporary or permanent residence that is accessory to a nonresidential primary use of the site, where needed for security or 24-hour care or supervision. Does not include living quarters within a single-family dwelling for domestic employees (“Single-family dwelling”).

**Carport.** See “Garage or carport.”

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

**Cemeteries.** See “Funeral facilities and services.”

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

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

**Chemical Product Manufacturing.** See “Manufacturing, heavy manufacturing.”

† **Child Care Facilities (Land Use).** Facilities that provide nonmedical care and supervision of minor children for periods of less than 24 hours for an individual child. These facilities include the following, all of which are required to be licensed by the California State Department of Social Services:

1. **Child Care Center (Land Use).** Commercial or nonprofit child day care facilities designed and approved to accommodate 15 or more children. Includes infant centers, preschools, sick-child centers, day care centers, and school-age day care facilities. These may be operated in conjunction with a school or church facility, or as an independent land use.
2. **Large Family Child Care Home (Land Use).** A child care facility located in a single-family residence where an occupant of the residence provides care and supervision for nine (9) to 14 children. Children under the age of 10 years who reside in the home count as children served by the child care facility.

3. **Small Family Child Care Home (Land Use).** A child care facility located in a single-family residence where an occupant of the residence provides care and supervision for eight (8) or fewer children. Children under the age of 10 years who reside in the home count as children served by the child care facility.

**Church.** See “Religious facilities.”

**City.** The City of Stockton.

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

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

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

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

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

**Clinics and Laboratories.** See “Medical services.”

† **Clubs, Lodges, and Private Meeting Halls (Land Use).** Permanent, headquarters-type and meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, including facilities for:

business associations	professional membership organizations
civic, social, and fraternal organizations	other membership organizations
labor unions and similar organizations	yacht clubs
political organizations	

**Code.** The Stockton Municipal Code.

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

**Collection Facilities.** See “Recycling and waste facilities.”

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

† **Commercial Amusement Facilities (Land Use).** Establishments providing indoor amusement and entertainment services for a fee or admission charge, including the following indoor activities:

amusement and theme parks	dart throwing booths
---------------------------	----------------------



arcades	electronic arcade games
bingo	interactive inflatable attractions
dance halls, clubs, and ballrooms	laser tag and similar games

Two (2) or less arcade machines are not considered a land use separate from the primary use of the site. Does not include arcade games or other activities located within private entertainment facilities (“Private entertainment facilities”), recreational facilities such as sport facilities (“Indoor recreation facilities” and “Outdoor commercial recreation facilities”), as well as “Equestrian facilities,” “Golf courses/country clubs,” “Parks and playgrounds,” and “Private recreational facilities.”

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

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

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

† **Communications Facilities (Land Use).** A public or private structure that supports antennas, microwave dishes, and other related equipment for sending and/or receiving radio and television signals. These facilities may support a variety of services, including: cellular telephone; personal communication services (PCS) and networks; paging; dispatching enhanced specialized mobile radio; television; radio; and all other wireless communications except for satellite antennas, amateur (ham) radio communication facilities, and citizen band radio antennas which are incidental to the primary use and meet the standards for such uses (Section 16.44.050). Does not include telephone, telegraph, and cable television transmission facilities utilizing hard-wired or direct cable connections. Communication facilities shall comply with the standards for communication facilities (Chapter 16.44).

1. **Major Communication Facility (Land Use).** A communication facility that: (a) is a freestanding, ground-mounted facility; (b) is structure- or roof-mounted and exceeds 10 feet in height above the roof ridge line; or (c) does not qualify as a “Minor communication facility,” below.
2. **Minor Communication Facility (Land Use).** A communication facility that is: (a) within the public right-of-way and structurally integrated into or on top of a light standard, utility pole, or a metal or precast concrete monopole that is similar in design to a street light pole or street tree, or similar structure; (b) structure- or roof-mounted not exceeding 10 feet in height above the roof ridge line unless designed as a stealth facility; or (c) a co-location at lower height, structurally integrated, or freestanding stealth facility.

**Communications Facility.**

1. **Amateur Radio Communication Facilities.** A facility for amateur radio communications which includes noncommercial antennas operated by a Federally licensed amateur radio operator.
2. **Antenna.** A device used in communications which transmits and/or receives radio or television signals, including dish, panel parabolic, and whip antennas.
3. **Citizen Band (CB) Radio Service.** A two (2) way voice communication service which does not require a license from the Federal Communications Commission (FCC).
4. **Co-location.** The locating of wireless communications equipment for multiple users on a single ground-mounted, roof-mounted, or structure-mounted facility.
5. **Equipment Shelter/Cabinet.** A building or cabinet used to house radio and computer equipment that is used for the transmission and/or reception of wireless radio signals.
6. **Ground-Mounted.** Mounted to a pole, monopole, lattice tower, or other freestanding structure specifically constructed for the purposes of supporting antennas and/or microwave dishes.
7. **Lattice Tower.** A structure with three (3) or four (4) steel support legs that supports a variety of antennas. These towers generally range in height from 60 to 200 feet and are constructed in areas where increased height is needed, microwave antennas are required, or where the weather demands a more structurally-sound design.
8. **Major Communication Facility.** A communication facility that:
  - a. Is one of the following types of facilities:
    - i. A freestanding ground-mounted facility; or
    - ii. A structure- or roof-mounted facility that is more than 10 feet above the roof ridge line; and
  - b. Does not qualify as a "Minor communication facility."
9. **Minor Communication Facility.** A communication facility that:
  - a. Is within the public right-of-way and structurally integrated into or on top of a light standard, utility pole, or a metal or precast concrete monopole (similar in design to a street light pole or street tree) or similar structure;
  - b. Is structure or roof-mounted so as not to be more than 10 feet above the roof ridge line, unless designed as a stealth facility; or
  - c. Is a co-location at lower height, structurally integrated, or a freestanding stealth facility.
10. **Microwave.** Spectrum frequencies from a GHz to 300 GHz; highly directional when used for radio frequency transmissions. Uses relatively low transmitter power levels when compared to other forms of transmission.
11. **Monopole.** A structure composed of a single spire used to support antennas and related equipment.
12. **Radio Frequency Radiation (RFR).** An emission of wireless communication caused by the movement of electromagnetic energy through space, which lies in the frequency range from three (3) kHz to 300 GHz. This term is also used interchangeably with electromagnetic fields (EMP).

13. **Radome.** A dome or spherical-like cover fabricated for the protection and concealment of antennas.
14. **Roof-Mounted.** Antennas and/or equipment mounted above the roof ridge line of a structure.
15. **Roof Ridge Line (Also Known as Structure Ridge Line).** The line along the top of a roof or top of a structure.
16. **Stealth Facility.** A communications facility that is integrated or attached as part of a structure or is a freestanding monopole incorporating flush mounted antennas or a radome design.
17. **Structure-Mounted.** Mounted to, or as part of, a structure (e.g., a building, billboard, church steeple, freestanding sign, water tank, etc.).

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

† **Community Garden.** A grouping of garden plots on a site where persons not owning or residing on the property grow edible plants, fruits, or flowers for personal consumption or use, but not for sale. Any on-site retail sales associated with a community garden will only be permitted subject to securing a Land Development Permit and complying with the requirements of Section 16.80.280 (Produce stands).

**Community Shopping Center.** See “Shopping center.”

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

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

**Concrete, Gypsum, and Plaster Product Manufacturing.** See “Manufacturing, heavy manufacturing.”

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

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

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

† **Conservation Areas (Land Use).** Environmentally sensitive areas of land or water, essentially unimproved, that have been set aside, dedicated, designated, or reserved for protection from any activity that would significantly alter their open space or passive recreational value or ecological integrity, balance, or character. Includes wetlands, vernal pools, floodplains, riparian forests, riparian corridors, and habitat for multiple species of wildlife; preserves; and lands designated as Agricultural habitat lands, multi-purpose open space lands, and natural lands in the San Joaquin County Habitat Conservation Plan which are in need of being preserved for their habitat

and/or open space values. Includes interpretive centers and passive outdoor recreation areas. Does not include parks, playgrounds, and athletic fields for active recreational uses (“Parks and playgrounds”) or privately-owned, commercial facilities (“Outdoor commercial recreation,” “Indoor recreation facilities,” or “Recreational vehicle parks”).

† **Construction, Farm, and Heavy Equipment Sales (Land Use).** Retail establishments selling or renting heavy construction equipment, including cranes, earth moving equipment, tractors, truck trailers detached from their tractor, harvesters, heavy trucks, etc.

**Containerized Storage Units.** Unmodified, stackable, metal shipping containers that are greater than 120 square feet, not permanently affixed to the ground, and used for accessory storage. Subject to the requirements for accessory uses and structures (Section 16.80.020).

**Contiguous.** Next to, abutting, adjacent, or touching and having a boundary, or portion of it, that is in common. Two (2) parcels will be considered to be contiguous even if there is an existing road, street, utility easement, river, or railroad right-of-way between them provided the underlying fee title of the road, street, utility easement, river, or railroad right-of-way is owned by the owner of the two (2) parcels.

† **Convenience Stores (Land Use).** Easy access retail stores selling a combination of alcohol, gasoline, and a range of merchandise to provide a variety of items primarily for the motoring public. Convenience stores shall comply with the standards for alcoholic beverage sales (off-sale) (Section 16.80.040) and for problem uses (Section 16.80.270).

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

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

**Crop Production.** See “Agricultural activities and facilities.”

## - D -

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

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

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

**Density Bonus.** A density bonus, as defined by California Government Code Section 65915 et seq., is an increase in density over the maximum allowable residential density under the applicable zoning ordinance and land use element of the General Plan. It also includes a 25 percent increase in the number of condominium units within an existing condominium structure or a structure proposed for conversion to condominiums and a floor area ratio bonus over the maximum allowed density.

1. **Child Care Facility.** A facility for the care of children other than a small or large family child care home. Includes child care centers, infant centers, preschools, extended day care facilities, and school age child care centers.

2. **Developer.** The owner or other person, including a lessee, having the right under the applicable zoning ordinance of the City to make application for development approvals for the development or redevelopment of a project (Government Code Section 65917.5(a)(3).
3. **Development Standard.** Site or construction conditions that apply to a residential development in compliance with any ordinance, General Plan element, specific plan, Charter amendment, or other local condition, law, policy, resolution, or regulation.
4. **Floor Area (Child Care Facility).** The total area contained within the exterior walls of the facility and all outdoor areas devoted to the use of the facility in compliance with applicable State child care licensing requirements and Government Code Section 65917.5(a)(4).
5. **Housing Development.** One or more groups of projects for residential units constructed in the planned development of the City. Also includes a subdivision or common interest development as defined in Section 1351 of the Civil Code that is 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 Section 65863.4 of the Government Code, where the result of the rehabilitation would be a new increase in available residential units.
6. **Incentive.** A modification of a City development standard or additional units or floor area.
7. **Maximum Allowable Residential Density.** The maximum allowable density for the specific zoning district applicable to the project.
8. **Residential Development Project.** Detached single-family dwellings, multiple-dwelling structures, groups of dwellings, condominium or townhouse developments, condominium conversions, cooperative developments, and multiuse developments that include housing units. Also includes contiguous or noncontiguous parcels that have one (1) or more applications filed within a 24-month period and which are under the same ownership.

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

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

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

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

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

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

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

**Development Agreement.** A contract between the City and an applicant for a development project, in compliance with Chapter 16.120 (Development Agreements) of this Development Code and Government Code Sections 65864 et seq. A development agreement is intended to provide assurance to the applicant that an approved project may proceed subject to the policies, rules, regulations, and conditions of approval applicable to the project at the time of approval, regardless of any changes to City policies, rules, and regulations after project approval. In return, the City may be assured that the applicant will provide infrastructure and/or pay fees required by a new project.

**Development Code.** The Stockton Development Code, Title 16 of the Stockton Municipal Code, referred to herein as “this Development Code.”

**Director.** The City of Stockton Community Development Director, referred to in this Development Code as the “Director.”

**Discount Superstores.** General retail stores that contain a full service grocery department under the same roof that shares entrances and exits with the rest of the store area, exceed 100,000 square feet of gross “sales floor area,” and devote at least 10 percent of the total sales floor area to the sale of “nontaxable merchandise.” See Chapter 16.24.

**Downtown.** The area of the City of Stockton generally bounded by Fremont Street, Aurora Street, Hazelton Avenue, and Interstate 5.

**DRC.** The Development Review Committee of the City, referred to in this Development Code as the “DRC.”

**Drive-In and Drive-Through Sales.** Facilities where food or other products may be purchased by motorists without leaving their vehicles. These facilities include fast-food restaurants, drive-through coffee, dairy product, photo stores, etc.

**Drive-In and Drive-Through Services.** Facilities where services may be obtained by motorists without leaving their vehicles. These facilities include drive-up bank teller windows, dry cleaners, etc. Does not include: automatic teller machines (ATMs) or automobile service stations, or car washes, which are separately defined.

**Driveway.** A means of vehicular access from private property to traveled vehicular way which traverses public right-of-way.

1. **Nonresidential Driveway.** A driveway used for nonresidential purposes, including driveways used primarily by commercial vehicles for commercial purposes and to serve a business establishment.
2. **Residential Driveway.** A driveway used primarily by private passenger vehicles serving residential properties.

**Drug Abuse, Alcohol Recovery/Treatment Facility.** See “Social services facilities.”

**Drug Paraphernalia.** As defined in California Health and Safety Code Section 11362.5 et seq., and as may be amended.

**Dry Cleaning Pick-Up Stores.** Dry cleaning establishments of less than 2,000 square feet that do not use chemical processes. See “Personal Services, Unrestricted.”

† **Duplexes (Land Use).** Freestanding residential structures under single ownership containing two (2) attached independent dwellings, each with one (1) kitchen and direct outdoor access. Does not include “Rooming and/or Boarding Houses.”

**Dwelling.** Any structure designed or used for the shelter or housing of one (1) or more persons.

**Dwelling, Multiple.** See “Multifamily dwellings.”

**Dwelling, One-Family.** See “Single-family dwellings.”

**Dwelling, Two-Family.** See “Duplexes.”

† **Dwelling Group (Land Use).** A group of two (2) or three (3) single-family homes occupying a parcel of land in one (1) ownership and having a yard or court and parking in common. Does not include multifamily, triplexes, or motels.

- E -

† **Educational Facilities (Land Use).** Facilities that provide for the education and/or training of individuals or groups.

1. **Academic Schools—Private (Land Use).** Any privately-owned and operated elementary or secondary academic educational facility.
2. **Academic Schools—Public (Land Use).** Public elementary schools, middle schools, secondary schools, high schools, community colleges, colleges, universities, and any other public school providing academic instruction for students from kindergarten through 12th grade and higher.
3. **Colleges and Universities—Private (Land Use).** Any privately-owned college, university, medical school, law school, or institution of higher education, not including vocational and technical schools.
4. **Equipment Repair and Maintenance Training (Land Use).** Facilities and programs for training students in the repair and maintenance of business equipment and consumer products, including: computers and other electronic equipment; television and radio and other appliance repair; watch, clock, and jewelry repair; re-upholstery and furniture repair; and shoe repair.
5. **Specialized Education and Training (Land Use).** Facilities for instructing and training students in a variety of specialized programs. These uses include the following:
 

art schools	firearms training center
ballet and other dance academies	gymnastics
business and secretarial schools	language schools
computers and electronics training schools	martial arts schools

courses by mail	music schools and academies
drama schools	professional schools (accounting, computer, etc.)
driver education schools—passenger vehicles	seminaries/religious ministry training facilities

Also includes facilities, institutions, and conference centers that offer specialized programs in personal growth and development, including fitness, environmental awareness, arts, communications, and management. Does not include pre-schools and child day care facilities (“Child care facilities”); law and medical schools (“Educational facilities, academic schools—Public” and “Colleges and universities—Private”).

6. **Vehicle Repair and Maintenance Training (Land Use).** Facilities and programs for training students in the repair and maintenance of vehicles, including: repair, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, motorcycles, trucks, recreational vehicles, boats, and other vehicles.

7. **Vocational and Technical Schools (Land Use).** Also known as trade schools or technical colleges, these schools focus on skills training for particular jobs or career fields, rather than on academics in the liberal

arts. Programs at these schools typically last one (1) to two (2) years full-time, although students may attend part-time, and students may obtain diplomas, certificates or associate degrees, depending on the length of the program. This use typically includes the following programs: nursing and occupational therapy, computer programming, carpentry, plumbing, accounting clerk, dental hygienist, veterinary technician and welder.

8. **Truck and Heavy Equipment and Training (Land Use).** Facilities for instructing and training students in a variety of truck, construction and heavy equipment vehicles.

**Effective Removal (Tree).** Any technique, operation, or activity that could lead to the permanent disfigurement, destruction, or the removal (as determined by the Director) of a tree, including any extreme pruning which is not consistent with proper urban forestry Arboriculture practices.

† **Electricity Generating Plants/Facilities (Land Use).** Plants and facilities used for the generation, storage, and transmission of electric energy.

**Electric vehicle charging station.** A station that is designed in compliance with the California Building Standards Code and delivers electricity from a source outside an electric vehicle into one or more electric vehicles. An electric vehicle charging station may include several charge points simultaneously connecting several electric vehicles to the station and any related equipment needed to facilitate charging plug-in electric vehicles.

† **Electronics, Equipment, and Appliance Manufacturing (Land Use).** Establishments engaged in manufacturing machinery, apparatus, and supplies for the generation, storage, transmission, transformation, and use of electrical energy. May include the assembly of the manufactured parts. Includes:

appliances including stoves/ovens, refrigerators, freezers, laundry equipment, fans, vacuum cleaners, sewing machines	miscellaneous electrical machinery, equipment, and supplies including batteries, X-ray apparatus and tubes, electromedical and electrotherapeutic
---	---



aviation instruments	apparatus, electrical equipment for internal combustion engines
electrical transmission and distribution equipment	
electronic components and accessories, and semiconductors, integrated circuits, related devices	motors and generators optical instruments and lenses
electronic instruments, components, and equipment, including computers and calculators	photographic equipment and supplies pre-recorded magnetic tape
electrical welding apparatus	
lighting and wiring equipment including lamps and fixtures, wiring devices, vehicle lighting	radio and television receiving and sound reproduction equipment including televisions and radios; sound recorders; CDs, DVDs, and phonograph record players; surgical, medical and dental instruments, equipment, and supplies
industrial apparatus	
industrial controls	
instruments for measurement, testing, analysis and control, associated sensors, and accessories	surveying and drafting instruments  telephone and telegraph apparatus transformers, switch gear, and switchboards watches and clocks

Does not include testing laboratories (soils, materials testing, etc.) (“Business support services”), research and development facilities separate from manufacturing (“Research and development”); assembly only of parts (“Manufacturing, light manufacturing—Product assembly and distribution”); professional, scientific, and controlling instruments (“Handcraft industries, small-scale manufacturing”).

**Emergency Machinery, Vehicles, or Alarm.** Any machinery, vehicle or alarm used, employed, performed or operated in an effort to protect, provide or restore safe conditions in the community, or work by private or public utilities when restoring utility service.

**Emergency Shelters.** See “Social Services Facilities (Land Use).”

**Emergency Work.** Work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

**Encroachment Permit.** A permit required to do excavations, construction, maintenance, and/or repairs in a public street, alley, or other public place, including working on public improvements or franchised utilities.

**Enlargement of Use.** The expansion of a land use activity on a site or within a structure so that the use/activity occupies more floor or site area than before the expansion.

**Entitlement.** An authorization from the City for development or the use of property.

**Environmental Assessment.** A detailed statement setting forth the environmental effects and considerations pertaining to a project as specified in the California Environmental Quality Act, and may mean either a draft or a final EIR, or an initial study leading to a negative declaration.

**Environmental Impact Report (EIR).** An informational document used to assess the physical characteristics of an area and to determine what effects will result if the area is altered by a proposed action, prepared in compliance with the California Environmental Quality Act (CEQA).

† **Equestrian Facilities (Land Use).** Commercial horse, donkey, and mule facilities including horse ranches, boarding stables, riding schools and academies, horse exhibition facilities (for shows or other competitive events), pack stations, and barns, stables, corrals, and paddocks accessory and incidental to these uses.

† **Equipment Rental (Land Use).** Service establishments with outdoor storage/rental yards, which may offer a wide variety of materials and equipment for rental, including construction equipment. Does not include the rental of equipment utilizing a combustion engine (“Construction, farm, and heavy equipment sales”) or rental of equipment that is totally indoors (“Retail stores”).

**Equipment Repair and Maintenance Training.** See “Educational facilities.”

**Equity Program.** A program designed to promote equitable business ownership opportunities in the cannabis industry in order to decrease disparities in life outcomes for marginalized communities and address the disproportionate impacts of cannabis in adversely-impacted and lower income communities.

**Exaction.** A contribution or payment required as an authorized precondition for receiving a development permit.

**Explosives.** Any substance defined as an explosive by Health and Safety Code Sections 12000 et seq., and for which a permit is required by the Health and Safety Code.

**Explosives, Fireworks, and Ordinance Manufacturing.** See “Manufacturing, heavy manufacturing.”

**Extended Care.** See “Medical facilities.”

**Extended Stay Facilities.** See “Lodging facilities.”

## - F -

† **Fabric Product Manufacturing (Land Use).** Manufacturing establishments assembling clothing, draperies, and other products by cutting and sewing purchased textile fabrics and related materials including leather, rubberized fabrics, plastic, and furs. Includes: apparel and other finished products made from fabrics and similar materials; hats (assembly); leather gloves and mittens; handbags and small leather goods; luggage; miscellaneous leather goods. Does not include custom tailors and dressmakers not operating as a factory and not located on the site of a clothing store (“Personal services”). See also “Textile and leather product manufacturing.”

**Family Care Homes, Seven (7) or More Clients.** See “Residential care homes.”

**Farmer's Market.** An open air market that offers the sale of fresh agricultural products directly to the consumer where the vendors are generally individuals who have raised the vegetables or produce.

**Feasible.** Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

**Feed Yard or Lot.** See "Major impact facilities."

**Feeding Centers.** See "Social services facilities."

**Final Map.** A subdivision map prepared in compliance with Subdivision Map Act, Article 2, Chapter 2, and approved in compliance with Subdivision Map Act, Article 4, Chapter 3, that is used to complete the subdivision of five (5) or more parcels.

**Finish Grade.** The ground elevation after the completion of grading operations.

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

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

† **Food and Beverage Product Manufacturing (Land Use).** Manufacturing establishments producing or processing foods and beverages for human consumption, and certain related products. Includes:

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	microbreweries
	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”).

**Fraternity/Sorority House.** See “Organizational houses.”

**Freeway.** Any highway that the owners of abutting lands have no right to easement of access to or from their abutting lands or the owners have only limited or restricted right or easement of access, that has no at-grade intersections or crossings, and that is under the jurisdiction of California Department of Transportation and has been declared to be a freeway in compliance with the California Streets and Highways Code.

**Frontage.** The portion of a lot that is adjacent to, and parallel to, the street right-of-way, including all contiguous property owned by or under the control of the applicant.

**Fueling Stations.** See “Auto and vehicle services.”

† **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. Includes crematoriums.
3. **Funeral Homes (Land Use).** Establishment where funeral services are conducted without preparation of deceased for burial or cremation. Excludes religious facilities.

† **Furniture and Fixtures Manufacturing (Land Use).** Manufacturers which produce wood and metal: household furniture; bedsprings and mattresses; all types of office furniture, partitions, shelving, lockers, and store furniture; and miscellaneous drapery hardware, window blinds and shades. Includes wood and cabinet shops. Does not include sawmills or planing mills (“Lumber and wood product manufacturing”); or the manufacture of household appliances (“Electronics, equipment, and appliance manufacturing”).

† **Furniture, Furnishings, and Appliance Stores (Land Use).** Stores engaged primarily in the retail sale or rental of household furniture, outdoor furniture, office furniture, and appliances; related services, including incidental repair services; and the incidental sale of interior decorating materials and services:

floor coverings

office furniture

furniture

other household electrical and gas appliances

home appliances	outdoor furniture
home furnishings	refrigerators
home sound systems	stoves
lawn furniture	televisions

Does not include the primary retail sale of interior decorating materials and services such as china, glassware, and metal ware for kitchen and table use; bedding and linens; brooms and brushes; lamps and shades; mirrors and pictures; Venetian blinds and window shades; and movable spas and hot tubs (“Retail Store”).

## - G -

**Garage or Carport.** Parking space and shelter for automobiles or other vehicles, where the size of the parking space complies with the provisions of Chapter 16.64 (Off-Street Parking and Loading Standards).

1. A garage is an attached or detached accessory structure with a door, enclosed on four (4) sides.
2. A carport is an attached or detached accessory structure enclosed on no more than two (2) sides.

**Garage, Public.** See “Parking facilities, public.”

**Garage Sale.** The sale or offering for sale to the general public of over five (5) items of personal property on any portion of a lot in a residential zoning district, whether within or outside any building.

**Garage, Storage.** See “Parking facilities/vehicle storage.”

**General Plan.** The City of Stockton General Plan, including the policy document, background document, and land use and circulation diagram, and all amendments thereto, as adopted by the City Council under the provisions of Government Code Sections 65300 et seq., and referred to in this Development Code as the “General Plan.”

**Glass Product Fabrication.** See “Manufacturing, light manufacturing.”

**Glass Product Manufacturing.** See “Manufacturing, heavy manufacturing.”

† **Golf Courses/Country Clubs (Land Use).** Golf courses and accessory facilities and uses including: clubhouses with bar and restaurant; locker and shower facilities; driving ranges; “pro shops” for on-site sales of golfing equipment; and golf cart storage and sales facilities.

**Grade.** See “Site/lot characteristics.”

**Guest House.** 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.

**Guest or Rest Home.** See “Residential care homes.”

**Guest Room.** A room within the primary dwelling unit on a site which is designed and/or used by one or more guests for sleeping purposes, having no cooking facilities, and no separate entrance.

- H -

† **Handcraft Industries, Small-Scale Manufacturing (Land Use).** 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.

† **Health/Fitness Facilities (Land Use).** Fitness centers, gymnasiums, health and athletic clubs, including indoor sauna, spa, or hot tub facilities. Could include accessory retail sales of food and equipment. Does not include sports activities such as tennis, handball, racquetball, archery and shooting ranges, swimming pools, and other sports activities which shall meet the requirements for the specific activity; and other outdoor commercial recreation facilities ("Outdoor commercial recreation facilities").

**Height of Structure.** See Section 16.36.090 (Height measurement and height limit exceptions).

**Heritage Tree.** Any *Quercus lobata* (commonly known as "Valley Oak"), *Quercus agrifolia* (Coast Live Oak), and *Quercus wislizenii* (Interior Live Oak) tree which is located on public or private property within the limits of the City, and which has a trunk diameter of 16 inches or more, measured at 24 inches above actual grade. For Oak trees of the species mentioned above, with multiple trunks, the combined total trunk diameter shall be used for all trunks measuring six (6) inches or greater measured at 24 inches above actual grade.

**Home Occupation.** The conduct of a business within a dwelling unit or residential site, employing only occupants of the dwelling, with the business activity being clearly subordinate to the residential use of the property, in compliance with Section 16.80.170 (Home occupations).

**Homeless Shelters.** See "Social services facilities."

**Hospital.** See "Medical services—Hospitals."

**Hotel or Motel.** See "Lodging facilities."

**Household.** One (1) or more persons occupying a dwelling.

**Household Income.** The income of a family household with adjustments for usually high or low are income or housing costs and household size.

1. **Very Low-Income.** Household income within 50 percent of the area median family income.
2. **Low or Lower-Income.** Household income between the very low-income limit and 80 percent of the area median-family income.
3. **Moderate Income.** Household income between the lower-income limit and 120 percent of the area median-family income.
4. **Above Moderate Income.** Household income exceeding the moderate-income limit.

**Household Pets.** Small animals that are customarily kept for company or enjoyment within the home. Household pets include dogs, cats, tropical birds, fish, rabbits, lizards, and various rodents.

Does not include wild animals (as defined in Section 6.08.150 of the Municipal Code), pigs and pot-bellied pigs, and roosters and cockerels.

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

**Housing Development.** For purposes of density bonus (Chapter 16.40), residential projects consisting of five (5) or more residential units, including single-family, multifamily, and mobilehomes for sale or rent.

**Housing Unit.** See “Dwelling.”

## - I -

**Identification Card.** As defined in California Health and Safety Code Section 11362.5 et seq., and as may be amended.

**Improvement Standards.** Standard plans and specifications and other standards approved by the City Engineer that shall govern the improvements to be constructed in compliance with this Development Code.

**Improvements.** Street work, storm drainage, utilities and landscaping to be installed, or agreed to be installed, by the subdivider or developer on the land to be used for public streets, highways, and easements, as are necessary for the general use of the lot owners and local traffic; or to other specific improvements or type of improvements, the installation of which, either by the subdivider, by developers, by public agencies, by private utilities, by any other entity approved by the City or by a combination thereof, is necessary or convenient to insure conformity to or implementation of the General Plan or any adopted master development plan, precise road plan, or specific plan.

**Improvements, Public.** Public improvements mean and include the following items constructed within public streets, highways and easements:

bridges and major thoroughfares	storm drain and sanitary sewer pump stations
curb, gutter and sidewalk	street signs
fences	street structural section
fire hydrants	street lighting
public utilities	traffic signals
railroad crossings	tree wells and sprinkler system
sanitary sewer facilities	water facilities
storm drainage facilities	

**Incentive.** The benefit offered by the City to facilitate construction of eligible projects as defined by the provisions of Chapter 16.40 (Affordable Housing Incentives/Density Bonus Provisions),

including fee deferments, adjustment of standards, and relaxation of otherwise applicable permit conditions, as well as, provisions for mixed use activities.

† **Indoor Recreation Facilities (Land Use).** Facilities for various indoor participation or spectator sports and types of recreation where a fee is charged for use, including:

arenas/stadiums	ice rinks
basketball courts	racquetball courts
batting cages	shooting ranges
bowling alleys	soccer facilities
gymnasiums	swimming pools
handball courts	tennis courts

**Infill Development.** Construction on a vacant parcel that is within an otherwise substantially developed area.

**Infill Site.** Vacant or developed property consisting of one (1) legal lot, or a site with two (2) or more contiguous, commonly-owned legal lots, which is a total of not more than five (5) acres in size, is bounded on at least three (3) sides by urban uses or development, and for which has existing water, sewer, drainage, streets, and schools. For Chapter 16.60 (Noise Standards), an infill site shall be defined as a site which, in addition to the above, is located (at the time of the adoption of the ordinance codified in this Development Code) on a site that is within the City, and either:

1. Within an “existing” or “projected” 60 dB  $L_{dn}$  transportation noise contour, as identified in the 1990 General Plan, as amended; or
2. Adjacent to a land use-related noise source exceeding the noise standards in Table 3-7, Part II.

**Inoperable Vehicle Storage.** See “Auto and vehicle services.”

**Institutional Use.** A nonprofit, educational, hospital, museum, public, or religious use (for example, church, public or private library, or school) or a government-owned or operated land use or structure used for a public purpose.

**Integrated Center.** A shopping center, office complex, automobile center, industrial park, institutional campus, or other group of commercial, industrial, or institutional uses and/or buildings that includes the following:

1. Two (2) or more businesses or uses in one (1) or more buildings located on one (1) or more parcels;
2. A site of at least two (2) acres; and
3. A site that is developed as follows:
  - a. So that it has shared, common access, and may have shared parking facilities and/or utilities;
  - b. So that it is not necessary to return to a public street to move from one area of the center to another; and



- c. As a single project on parcels which may be separated by public rights-of-way or private streets or easements.

Integrated centers do not include parcels that have been developed as single entities before a discretionary application(s) that would create an integrated center was deemed complete.

**Intensification of Use.** A change in the use of a structure or site, where the new use is required by Chapter 16.64 (Off-Street Parking and Loading Standards) to have more off-street parking spaces than the former use; or a change in the operating characteristics of a use (for example, hours of operation), which generate more activity on the site.

**Interim Terminal Drainage Facility.** A temporary facility approved by the City Engineer designed to handle the runoff from a 10-year storm as generated by one (1) or more internal collection systems on an interim basis until an outfall work is constructed at an approved point of terminal drainage. Typical examples would be holding ponds, open ditches and temporary outfall works designed to handle less than the total discharge expected to be developed within a delineated drainage area.

**Internal Collection System.** A system of branches, laterals, catch basins and trunk lines within the boundaries of a subdivision or development designed to collect storm and surface runoff within the area and deliver it to a point on the perimeter of the subdivision or development. Internal collection systems shall be designed to accommodate drainage to the center line of all perimeter streets abutting the subdivision or development.

## - J -

**Junk.** Discarded material or objects.

**Junk Yard.** See “Recycling and waste facilities.”

## - K -

**Kennels and Boarding Facilities.** See “Animal services.”

**Kiosk.** A small, freestanding open structure used as a newsstand; retail sales, refreshment, and/or information/service booth; and/or upon which temporary information and/or posters, notices, and announcements are posted.

**Kitchen or Kitchenette.** An area designed and/or used for the preparation of food, which includes any three (3) of the following features:

1. Cooking or food heating equipment, including a hot plate, microwave, oven, or range;
2. A refrigerator or other device for cold storage;
3. Cabinets, shelves, or other facilities for storage of food and/or utensils; or
4. A sink and water supply.

## - L -

**Labor or Union Halls.** See “Clubs, lodges, and private meeting halls.”

**Land Use Permit.** Authority granted by the City to use a specified site for a particular purpose, including Commission use permits and administrative use permits (Chapter 16.168), planned development permits (Chapter 16.144), temporary activity permits (Chapter 16.164), variances (Chapter 16.172), home occupation permits (Chapter 16.132), site plan review (Chapter 16.152), and land development permits (Chapter 16.136), as established by Division 5 (Land Use and Development Permit Procedures) of this Development Code.

**Landscaped Freeway.** Any freeway or section thereof which is now, or hereafter may be, improved on at least one side of the freeway right-of-way by the planting of lawns, trees, shrubs, flowers or other ornamental vegetation requiring reasonable and continuing care, upkeep, and maintenance. Planting for the purposes of soil erosion control, traffic safety requirements, reduction of fire hazards, or traffic noise abatement, shall not change the character of a freeway to a landscaped freeway.

**Large Family Child Care Home.** See “Child care facilities.”

† **Laundries and Dry Cleaning Plants (Land Use).** Industrial service establishments engaged primarily in high volume laundry and garment services, including: power laundries (family and commercial); garment pressing and dry cleaning; linen supply; diaper service; industrial laundries; carpet and upholstery cleaners. Does not include coin-operated laundries, dry cleaning pick-up stores, or dry cleaners without dry cleaning equipment (“Personal Services, Unrestricted”).

**Legal Structure.** A structure that was constructed in compliance with all City ordinances and regulations that were applicable at the time of construction.

† **Libraries and Museums (Land Use).** Facilities for the preservation and exhibition of objects of permanent interest in the arts, nature, and science, and library collections of books, manuscripts, and similar materials for study and reading. Includes aquariums, arboretums, art exhibitions, botanical gardens, historic sites and exhibits, libraries, museums, and planetariums. Does not include facilities primarily devoted to meetings and/or public assembly (“Clubs, lodges, and private meeting halls”), (“Activity centers”), (“Religious places of worship”) or (“Auditoriums, meeting halls, and theaters”).

† **Live Entertainment (Land Use).** Any type of music, dancing or show involving one (1) or more persons playing musical instruments or recorded music, acting, singing, reading, speaking, dancing, modeling, wrestling, or performing in any way to entertain the customers of an establishment. Includes:

auctions, raffles, or contests	karaoke singing
music played by a disc jockey	dinner theater
modeling of clothes, lingerie and swimsuits	oil and mud wrestling
music performed by bands or soloists	poetry reading
dancing (by employees or customers)	stand-up comedy

Adult related establishments shall comply with the standards in Section 16.80.030 (Adult-related establishments). Does not include background music which is considered to be background to the primary use of the site.

† **Live-Work Space (Land Use).** A dual-purpose residential/work building where artists or other professionals both live and work. Living and working spaces may be for individuals or be shared, accommodating self-employed individuals or those living and working together as a group. Those sharing live-work spaces, individuals or groups, can choose to share work space and/or equipment related to their activities or choose to have individually owned equipment inside private living quarters. Live-work sharing can be for renters and/or owners. Includes living and working facilities for artists, crafts-persons, self-employed consultants, or those engaged in small cottage industries. Does not include home occupations (Section 16.80.160).

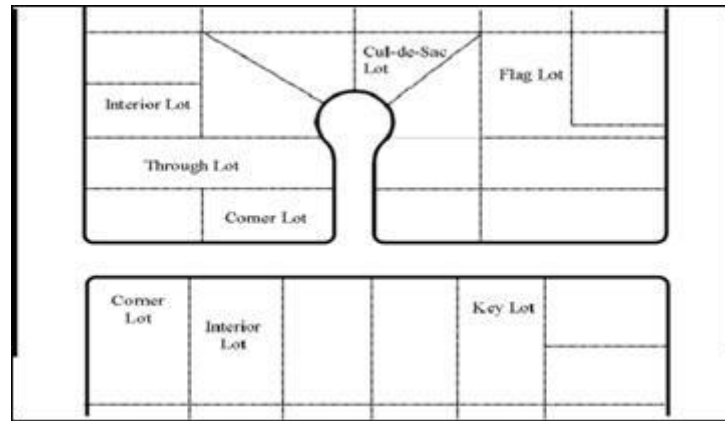
**Living Unit.** A group of individuals living together in a dwelling unit as a single housekeeping unit, not including a fraternity, sorority, club, rooming and/or boarding house, or institution of any kind.

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

1. **Bed and Breakfast Inns (Land Use).** Residential structures with one (1) family in permanent residence with up to 10 bedrooms rented for overnight lodging for 30 days or less, where meals may be provided subject to Section 16.80.090 (Bed and breakfast inns) and applicable Health Department regulations. A bed and breakfast inn with more than 10 guest rooms is considered a hotel or motel ("Hotels and motels").
2. **Extended-Stay Facilities (Land Use).** Facilities with guest rooms or suites, provided with or without meals or kitchen facilities, rented to the general public for long periods of time (more than 30 days). Includes apartment-hotels, residential hotels.
3. **Single Room Occupancy Facilities (SRO) (Land Use).** A housing type consisting of one (1) room, often with cooking facilities and with private or shared bathroom facilities.
4. **Hotel or Motel (Land Use).** Facilities with guest rooms or suites, provided with or without meals or kitchen facilities, rented to the general public for overnight or other temporary lodging (less than 30 days). These facilities may typically include a variety of services in addition to lodging, including restaurants, meeting facilities, personal services, and other accessory guest facilities including swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, etc. Includes adult hotels/motels which shall comply with the standards in Section 16.80.030 (Adult-related establishments).

**Lot or Parcel.** A recorded lot or parcel of real property under single ownership, lawfully created as required by the Subdivision Map Act and City ordinances, including this Development Code. Types of lots include the following. See Figure 8-1 (Lot Types).

1. **Corner Lot.** A lot located at the intersection of two (2) or more streets, where they intersect at an interior angle of not more than 135 degrees. If the intersection angle is more than 135 degrees, the lot is considered an interior lot.
2. **Flag Lot.** A lot having access from the building site to a public street by means of private right-of-way strip that is owned in fee.
3. **Interior Lot.** A lot abutting only one (1) street.
4. **Key Lot.** An interior lot, the front of which adjoins the side property line of a corner lot.
5. **Through Lot.** A lot with frontage on two (2) generally parallel streets.



**FIGURE 8-1 LOT TYPES**

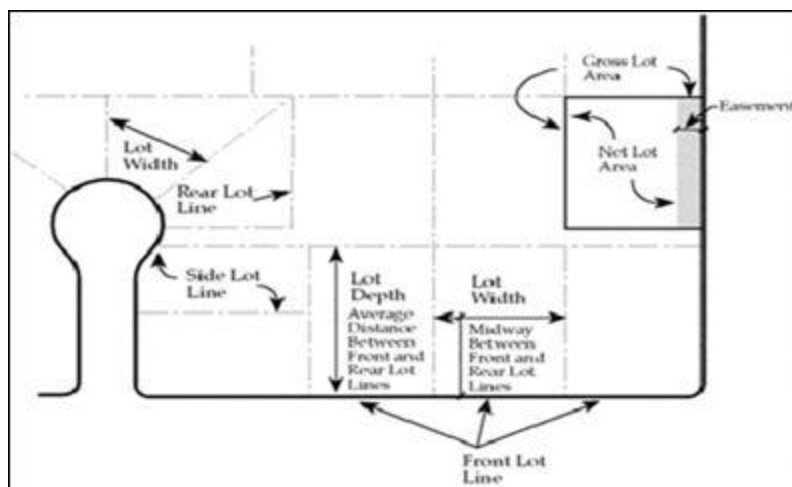
**Lot Area.** See “Site/lot characteristics.”

**Lot Coverage.** See “Site/lot characteristics.”

**Lot Depth.** The average linear distance between the front and the rear lot lines or the intersection of the two (2) side lot lines if there is no rear line. See Figure 8-2 (Lot Features). The Director shall determine lot depth for parcels of irregular configuration.

**Lot Frontage.** The boundary of a lot adjacent to a public street right-of-way.

**Lot Line Adjustment.** As provided by Map Act Section 66412(d), a lot line adjustment relocates one (1) or more lot lines between two (2) or more existing adjacent parcels, where land taken from one (1) parcel is added to an adjacent parcel and where no more parcels are created than originally existed.



**FIGURE 8-2 LOT FEATURES**

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

1. **Front Lot Line.** On an interior lot, the property line separating the parcel from the street. The front lot line on a corner lot is the line with the shortest frontage. (If the lot lines of a corner lot are equal in length, the front lot line shall be determined by the Director.) On a through lot, both lot lines are front lot lines and the lot is considered to have no rear lot line.
2. **Interior Lot Line.** Any lot line not abutting a street.
3. **Rear Lot Line.** A property line that does not intersect the front lot line, which is most distant from and most closely parallel to the front lot line.
4. **Side Lot Line.** Any lot line that is not a front or rear lot line.

**Lot of Record.** See “Lot or parcel.”

**Lot Width.** The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines. See Figure 8-2 (Lot Features). The Director shall determine lot width for parcels of irregular shape.

**Lumber and Wood Product Manufacturing.** See “Manufacturing, heavy manufacturing.”

## - M -

**Machinery Manufacturing (Light Manufacturing).** See “Manufacturing, light manufacturing.”

**Magnolia Historic Overlay District.** The area that is coterminus with the City Magnolia historic preservation district.

**Maintenance/Minor Repair.** See “Auto and vehicle services.”

† **Major Impact Facilities (Land Use).** Facilities for land intensive activities that need to be located away from residences or concentrations of people due to the magnitude or nature of the operation’s impacts on the surrounding environment. Includes airports, heliports, sanitary landfills including composting facilities, hazardous waste disposal sites, junk yards, nuclear power generating plants/facilities, and correctional institutions.

**Major Repair/Body Work.** See “Auto and vehicle services.”

**Manufactured Home.** See “Mobile/manufactured home.”

† **Manufacturing (Land Use).** Establishments engaged in the mechanical, physical, or chemical conversion of substances, components, or raw materials to a product. Does not include industrial facilities that are separately defined.

1. **Light Manufacturing (Land Use).** Manufacturing establishments engaged in the assembly, fabrication, and conversion of already processed raw materials into products and whose operation may create limited impacts on surrounding land uses. Includes:

- a. **Glass Product Fabrication.** Manufacturing establishments making glass products from purchased glass. Does not include the conversion of raw materials to glass (“Manufacturing, heavy manufacturing—Glass product manufacturing”); artisan and craftsman type operations of a larger scale than home occupations (“Handcraft industries and small scale manufacturing”).

- b. **Machinery Manufacturing.** Facilities to make or process raw materials into finished machines or parts for machines. Does not include the manufacture of electronics, equipment, or appliances (“Electronics, equipment, and appliance manufacturing”) or the assembly of machine parts alone (“Product assembly and distribution”).
  - c. **Paper Product Manufacturing.** Establishments primarily engaged in converting paper or paperboard without manufacturing the paper, pulp, or paperboard. Includes: envelope manufacturing, converted paper products, paper coating and glazing, paper bags, assembly of paperboard boxes, wallpaper, etc. Does not include the manufacturing of pulp, paper, or paperboard (“Manufacturing, heavy manufacturing—Pulp and pulp product industries”).
  - d. **Product Assembly and Distribution.** A facility for the assembly of small products and electronic equipment from parts manufactured elsewhere. Includes computers, telephones, and automobiles; office and store machines and devices; service industry and household machines. Does not include the manufacturing and assembly of products (“Electronics, equipment and appliance manufacturing”) or (“Machinery manufacturing”).
  - e. **Tobacco Manufacturing.** Establishments engaged in manufacturing cigarettes, cigars, smoking and chewing tobacco, snuff, and reconstituted tobacco and in steaming and redrying tobacco. Does not include the manufacture of insecticides from tobacco byproducts (“Heavy manufacturing—Chemical product manufacturing”).
  - f. **Transportation Product Assembly.** Establishments primarily engaged in manufacturing or assembling complete equipment for transporting people and goods. Includes: passenger automobiles, trucks, commercial cars and buses, and special-purpose motor vehicles; chassis or passenger car bodies; boat building and repairing; aircraft manufacturing; motorcycles, bicycles, and parts.
  - g. **Other.** Miscellaneous manufacturing establishments engaged in the manufacture of products for final use or consumption that are not otherwise listed.
2. **Heavy Manufacturing (Land Use).** Manufacturing establishments converting raw materials into a product whose intensive nature and scale of operation would have an impact on surrounding land uses. Includes:
- a. **Canning and Kindred Food Products Manufacturing.** Facilities engaged in the canning, curing, and processing of raw agricultural and seafood products, and the conversion of raw agricultural and seafood products to finished food products whose production cause adverse impact to the surrounding environment. Includes: meat, poultry, and seafood canning, curing, byproduct processing; fish canning and curing, meat products, sauerkraut, vinegar, yeast, rendering or refining of fats and oils, and sugar processing; and miscellaneous food items prepared from raw products.
  - b. **Chemical Product Manufacturing.** Manufacturing facilities that produce or use basic chemicals, and other establishments creating products predominantly by chemical processes. Includes: basic chemicals, including acids, alkalis, salts, and organic chemicals; chemical products to be used in further manufacture, including synthetic fibers, plastic materials, dry colors, and pigments; and finished chemical products to be used for ultimate consumption, including drugs, cosmetics, and soaps; or to be used as materials or supplies in other industries including paints, fertilizers, and explosives. May

also include sales and transportation establishments handling the chemicals described above, except as part of retail trade.

c. **Concrete, Gypsum, and Plaster Product Manufacturing.** Manufacturing establishments producing bulk concrete, concrete building block, brick, and all types of precast and prefabricated concrete products. Also includes ready-mix concrete batch plants, lime manufacturing, and the manufacture of gypsum products, including plasterboard. A retail ready-mix concrete operation as an incidental use in conjunction with a building materials outlet is defined under “Building material stores.”

d. **Explosives, Fireworks, and Ordnance Manufacturing.** The commercial manufacturing and storage of all types of explosives, including blasting powder and blasting caps, dynamite, fireworks, gunpowder, high explosives, and the manufacture of conventional explosives for weapons use (including ammunition, bombs, missile warheads, etc.). Does not include sighting and fire control equipment (“Handcraft industries, small-scale manufacturing”).

e. **Glass Product Manufacturing.** Manufacturing establishments primarily engaged in manufacturing glass and/or glass products which may be manufactured by melting silica sand or cullet, including the production of flat glass and other glass products which are pressed, blown, or shaped from glass produced in the same establishment. Does not include the manufacture of glass products from purchased glass (“Manufacturing, light manufacturing—Glass product fabrication”), artisan and craftsman type operations of a larger scale than home occupations (“Handcraft industries and small-scale manufacturing”).

f. **Lumber and Wood Product Manufacturing.** Manufacturing, processing, and sales involving the milling of forest products to produce rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes. Includes the following processes and products:

containers, pallets and skids	matches (wood)
milling operations	trusses and structural beams
turning and shaping of wood products	wholesaling of basic wood products
wood product assembly	

Does not include craft-type shops (“Handcraft industries and small-scale manufacturing”); other wood and cabinet shops (“Furniture and fixture manufacturing”); indoor retail sale of building materials, construction tools and equipment (“Building material stores”); lumber yards and outdoor retail sales (“Outdoor retail sales and activities”).

g. **Paving and Roofing Materials Manufacturing.** The manufacture of various common paving and petroleum-based roofing materials, including bulk asphalt, paving blocks made of asphalt, creosote wood, and various compositions of asphalt and tar. Does not include the manufacture of wood roofing materials (shingles, shakes, etc.) (“Lumber and wood product manufacturing”).

- h. **Petroleum Refining and Related Industries.** Industrial plants for purifying petroleum, and the compounding of lubricating oils and greases from purchased materials. Also includes oil or gas processing facilities, liquefied natural gas (LNG) facilities, the manufacture of petroleum coke and fuel briquettes, tank farms, and terminal facilities for pipelines. Does not include petroleum pipeline surge tanks and pump stations (“Public and semi-public utility facilities”), or petroleum product distributors (“Petroleum storage and distribution”).
- i. **Plastics, Other Synthetics, and Rubber Product Manufacturing.** The manufacture of rubber products including: tires, rubber footwear, mechanical rubber goods, heels and soles, flooring, and other rubber products from natural, synthetic, or reclaimed rubber. Also includes establishments engaged primarily in manufacturing tires; products from recycled or reclaimed plastics or styrofoam; molding primary plastics for other manufacturers, manufacturing miscellaneous finished plastics products, fiberglass manufacturing, and fiberglass application services. Does not include establishments engaged primarily in recapping and retreading automobile tires (“Auto and vehicle services—Major repair/body work”).
- j. **Primary Metal Industries.** Manufacturing establishments engaged in: the smelting and refining of ferrous and nonferrous metals from ore, pig, or scrap; the rolling, drawing, and alloying of metals; the manufacture of castings, forgings, stampings, extrusions, and other basic metal products; and the manufacturing of nails, spikes, and insulated wire and cable. Also includes merchant blast furnaces and by-product or beehive coke ovens.
- k. **Pulp and Pulp Product Industries.** Establishments primarily engaged in manufacturing pulp, paper, or paperboard. Includes pulp, paper, and paperboard mills. Does not include establishments primarily engaged in converting paper or paperboard without manufacturing the paper or paperboard, including envelope manufacturing, converted paper products, paper coating and glazing, paper bags, assembly of paperboard boxes, wallpaper (“Manufacturing, light manufacturing—Paper product manufacturing”).
- l. **Stone and Cut Stone Product Manufacturing.** Manufacturing establishments engaged primarily in cutting, shaping, and finishing marble, granite, slate, and other stone for construction and miscellaneous uses. Does not include establishments engaged primarily in buying or selling partly finished monuments and tombstones (“Handcraft industries, small-scale manufacturing”).
- m. **Structural Clay and Pottery Product Manufacturing.** Manufacturing establishments engaged primarily in producing brick and structural clay products, including pipe, china plumbing fixtures, and vitreous china articles, fine earthenware and porcelain products. Does not include artist/craftsman uses (“Artisan shops,” “Handcraft industries and small scale manufacturing,” or “Home occupations”).
- n. **Textile and Leather Product Manufacturing.** Industries engaged in the transformation of basic fibers (natural or synthetic) into a product, including yarn or fabric, that can be further manufactured into usable items (“Fabric product manufacturing”), and industries that transform hides into leather by tanning or curing. Includes:



coating, waterproofing, or otherwise treating fabric	manufacturing of woven fabric, carpets, and rugs from yarn
dressed and dyed furs	
dyeing and finishing fiber, yarn, fabric, and knit apparel	preparation of fiber and subsequent manufacturing of yarn, threads, braids, twine cordage
leather-tanned, curried, and finished	scouring and combing plants
manufacture of knit apparel and other finished products from yarn	upholstery manufacturing
manufacture of felt goods, lace goods, non-woven fabrics, and miscellaneous textiles	yarn and thread mills

- o. **Other.** Miscellaneous manufacturing establishments engaged in the initial processing or treatment of raw materials that are not otherwise listed.

**Map Act.** See “Subdivision Map Act.”

**Marinas (Land Use).** A commercial recreational use consisting of a harbor or boat basin providing a combination of dockage, supplies, services, including office space for management; sale of boats, marina supplies and incidental refreshments; marine insurance for a small pleasure craft; and dry land storage of small crafts, boats, trailers, or appurtenances required for the operation of such craft. Does not include the major repair and overhaul of such crafts (“Auto and vehicle services—Major repair/body work”).

† **Massage.** Therapeutic (nonsexual) rubbing or kneading of parts of nonspecified anatomical areas of the body to aid circulation or to relax muscles, provided by a licensed professional. A stand-alone massage establishment is defined as a business that provides massage, but not three or more of any of the other services that are typically provided at beauty and/or nail salons, including, but not limited to, manicures, pedicures, hair cutting/styling, facials and skin care.

† **Massage Establishment (Land Use).** Facilities providing massage therapy. Does not include “specified sexual activities” (“Adult-related establishments”).

1. **State Certified (Land Use).** Facilities that employ only certified massage practitioners or certified massage therapists (as defined by State law) who are duly certified in compliance with applicable qualifications of the California Business and Professions Code.
2. **Noncertified (Land Use).** Facilities where one or more employee is not a certified massage practitioner or certified massage therapist (as defined by State law) certified in compliance with applicable qualifications of the California Business and Professions Code.

**Massage Therapy.** The manipulation of body muscles or tissues, except “specified anatomical areas,” by hand or mechanical device for therapeutic purposes, including prevention, rehabilitation, and healing, by a skilled professional who is certified as a massage therapist from a recognized school of massage in compliance with Chapter 5.48 of the Municipal Code and is an accredited program approved by the Council for private/post secondary and vocational education from the State

of California (“Medical services—Medical-related facilities”). Does not include “specified sexual activities” (“Adult-related establishments”).

**Master Development Plan.** A comprehensive plan which identifies the distribution, location, and extent (e.g., density, intensity, etc) of land uses within a development site identified as Mixed Use or University designation on the General Plan, or within a specified geographical area, and identifies regulations and criteria for the development of the site.

**Medical Cannabis, Medical Cannabis Product, or Cannabis Product.** Shall have the same meanings as set forth in Business and Professions Code Section 26001(aj) as the same may be amended from time to time.

**Medical and Adult-Use Cannabis Regulation and Safety Act or “MAUCRSA.”** Shall mean Senate Bill 94, which passed June 2017, which integrated Medical Cannabis Regulation and Safety Act (MCRSA) and Adult Use of Marijuana Act (AUMA) to create a single regulatory system governing the medical and adult-use cannabis industry in California.

† **Medical Services (Land Use).** Facilities that provide personal health services, ranging from prevention to diagnosis, treatment and rehabilitation, by physicians, dentists, nurses, and other health and professional personnel, as well as medical testing and analysis services and care facilities (does not include Medical Cannabis Dispensaries).

1. **Ambulance Service (Land Use).** Facilities providing emergency medical care or transportation, including incidental storage and maintenance of vehicles.
2. **Clinics and Laboratories (Land Use).** Facilities primarily engaged in furnishing outpatient medical, mental health, surgical, and other personal health services, but which are separate from hospitals, including:
 

health management organizations	out-patient care facilities
(HMOs)	
medical and dental laboratories	other allied health services

Does not include counseling services by other than medical doctors or psychiatrists (“Offices”).

3. **Extended Care (Land Use).** Residential facilities providing nursing and health-related care as a primary use with in-patient beds. Includes board and care homes; convalescent and rest homes; extended care facilities; skilled nursing facilities; hospices. Does not include long-term personal care facilities that do not emphasize medical treatment (“Residential care homes/assisted living”).

4. **Health-Related Facilities (Land Use).** Facilities for treatment, therapy, or process to aid in the improvement of the health and/or pain management of individuals. Includes acupuncture; bodywork, Rolfing, osteopathic manipulation. Does not include acupuncture, narcotics treatment facilities; offices of dentists, doctors, psychiatrists/psychologists, and other medical professionals; or physical therapy; or the above under the direct supervision of a doctor, chiropractor, or physical therapist (“Medical services—Medical-related facilities”). Does not include massage establishments (“Massage establishment”).

5. **Hospitals (Land Use).** Hospitals and similar facilities engaged primarily in providing diagnostic services, and extensive medical treatment, including surgical and other hospital

services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. May include on-site accessory clinics and laboratories, accessory retail uses (for standards see Section 16.80.020) and emergency heliports (“Major impact facilities”).

6. **Medical-Related Facilities (Land Use).** Facilities for activities associated with medical treatment. Includes acupuncture; offices of dentists, doctors, psychiatrists/psychologists, and other medical professionals; medical-related counseling services; pharmacies; and physical therapy. Also includes massage therapists under the direct supervision of a doctor, chiropractor, or physical therapist. Does not include drug abuse or alcohol recovery/treatment facilities (“Social services facilities—Drug abuse, alcohol recovery/treatment facility”).

**Medicinal and Adult-Use Cannabis Regulation and Safety Act or “MAUCRSA”.** Senate Bill 94, which passed June 2017, or Business and Professions Code, Division 10, which integrated Medical Cannabis Regulation and Safety Act (MCRSA) and Adult Use of Marijuana Act (AUMA) to create a single regulatory system governing the medical and adult-use cannabis industry in California.

**Merger.** The process authorized by the Map Act for the combining of two (2) or more adjacent parcels into a single parcel of record, whereby the intervening lot lines are eliminated.

† **Metal Products Fabrication, Machine, and Welding Shops (Land Use).** Establishments engaged primarily in the assembly of metal parts, including the following uses that produce metal duct work, tanks, towers, cabinets and enclosures, metal doors and gates, and similar products.

blacksmith and welding shops

machine shops and boiler shops

ironworks

sheet metal shops

**Microbusiness.** A person holding a State license issued under paragraph (3) of subdivision (a) of California Business and Professions Code Section 26070. A microbusiness may act (in part or whole) as a retailer, distributor, manufacturer (Level 1), and cultivator (on an area less than 10,000 sq. ft.). A microbusiness must engage in at least three (3) of the following commercial cannabis business activities:

- A. Retailer or Retailer – Non-Storefront
- B. Distributor or Distributor – Transport Only
- C. Cultivation (less than 10,000 sq. ft.)
- D. Manufacturer (Level 1, Type 6)

**“Microbusiness, Subtypes”** means the four (4) different types of microbusiness combinations as permitted by State law, see “Microbusiness” above. The four (4) subtypes are:

RDC	RDM	RCM	DCM
Retailer or Retailer – Non-Storefront	Retailer or Retailer – Non-Storefront	Retailer or Retailer – Non-Storefront	Distributor or Distributor – Transport Only
Distributor or Distributor – Transport Only	Distributor or Distributor – Transport Only	Cultivation (less than 10,000 sq. ft.)	Cultivation (less than 10,000 sq. ft.)

Cultivation (less than 10,000 sq. ft.)	Manufacturer (Level 1 Type 6)	Manufacturer (Level 1 Type 6)	Manufacturer (Level 1 Type 6)
---	----------------------------------	----------------------------------	----------------------------------

**Midtown District.** The area that is bounded by Harding Way, El Dorado Street, Miner Avenue, and the Union Pacific Railroad track in the City of Stockton.

† **Mining (Land Use).** The extraction of minerals from the earth, including solids, such as coal, ores, and aggregates; liquids, such as crude petroleum; and gases, such as natural gases and geothermal gases.

**Miracle Mile.** The area zoned CG along Pacific Avenue, north of Harding Way, and south of Regent Court.

**Mixed Residential.** A project with no more than three (3) adjacent compact lots and with the average size of all lots being 5,000 square feet.

**Mobile/Manufactured Home.** A trailer, transportable in one (1) or more sections, that is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, which is over eight (8) feet in width and 40 feet in length, with or without a permanent foundation and not including a recreational vehicle, commercial coach, or factory-built (modular) housing (“Single-family dwelling”). A mobilehome on a permanent foundation is included under the definition of “Single-family dwellings.”

**Mobilehome Driveway.** A private thoroughfare that affords internal circulation through a mobilehome park.

**Mobilehome Lot.** A portion of a mobilehome park designated or used for the occupancy of one (1) mobilehome.

† **Mobilehome Park (Land Use).** Any site that is planned and improved to accommodate mobilehomes used for residential purposes, or on which mobilehome lots are rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate mobilehomes used for residential purposes. Includes mobilehome parks, motor home parks, and trailer parks. Mobilehome parks shall comply with the standards for mobilehome parks and subdivisions (Section 16.80.210).

Does not include facilities for campgrounds or recreational vehicles for short-term use (“Recreational vehicle park”).

† **Mobilehome Sales (Land Use).** Retail establishments selling and/or renting new or used mobilehomes/manufactured homes, modular/factory-built homes, and accessories.

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

**Mortuaries.** See “Funeral facilities and services.”

† **Motion Picture Production (Land Use).** Permanent indoor or outdoor establishments primarily engaged in the production of theatrical and nontheatrical motion pictures and video tapes

for exhibition or sale, including educational, industrial, and religious films. Does not include small indoor facilities (“Broadcasting studios”).

**Motel.** See “Lodging facilities.”

**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.

† **Multifamily Dwellings (Land Use).** A building or a portion of a building used and/or designed as residences for four (4) or more living units that are independent of each other. Includes: fourplexes (buildings under one (1) ownership with four (4) dwelling units in the same structure) and 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, and townhouses, which are separately defined.

† **Multi-Use Facility (Land Use).** A structure or parcel of land with a variety of complementary and integrated uses, including residential, office, light manufacturing, retail, public, or entertainment, in compliance with the standards for multi-use facilities (Section 16.80.230).

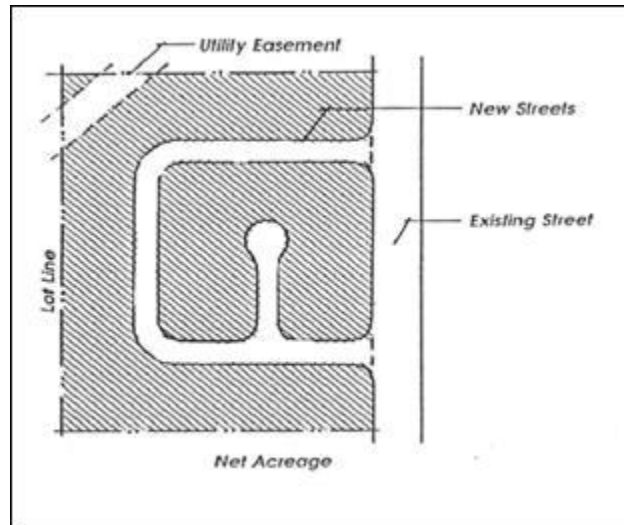
**Municipal Code.** The City of Stockton Municipal Code, as it may be amended from time to time by the Council.

- N -

**Negative Declaration (Neg Dec).** A written statement describing the reasons that a proposed project will not have a significant adverse effect on the environment and therefore does not require the preparation of an EIR, in compliance with the California Environmental Quality Act (CEQA).

**Neighborhood Shopping Centers.** See “Shopping center.”

**Net acreage.** The total area within the lot lines of a lot or parcel of land after public streets, easements, or other areas to be dedicated or reserved for public use are deducted from the lot or parcel. See Figure 8-3.



**FIGURE 8-3 NET ACREAGE**

**Nightclub.** See “Alcoholic beverage sales—Bars and nightclubs (on-sale).”

**Noise.** Any undesired audible sound. For standards, see Chapter 16.60 (Noise Standards). The following definitions apply to noise.

1. **A-Weighted Sound Level.** The sound level in decibels as measured on a sound level meter using the A-weighting network. The level is designated dB(A) or dBA.
2. **Acoustical Report or Study.** A report that analyzes proposed noise-sensitive and noise-generating projects to determine the potential exposure of existing or proposed noise-sensitive land uses to noise levels exceeding the City’s adopted noise standards and to provide recommended measures to avoid/mitigate/attenuate such exterior and/or interior noise levels.
3. **Ambient Noise.** The composite of all noise from sources near and far, excluding the alleged intrusive noise source. In this context, ambient noise shall constitute the normal or existing level of environmental noise at a given location.
4. **Day-Night Average Sound Level ( $L_{dn}$ ).** The equivalent energy, or energy average, sound level during a 24-hour day, obtained after the addition of 10 decibels to sound levels in the night after 10:00 p.m. and before 7:00 a.m., generally computed for annual average conditions.
5. **Decibel (dB).** A unit for measuring the amplitude of a sound, equal to 20 times the logarithm to the base of 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 microPascals.
6. **dBA.** The A-weighted scale for measuring sound in decibels; weighs or reduces the effects of low and high frequencies in order to simulate human hearing. Every increase of 10 dBA doubles the perceived loudness though the noise is actually 10 times more intense.
7. **Equivalent Sound Level ( $L_{eq}$ ).** The sound level containing the same total energy as a time-varying sound level over a given sample period, typically computed for a one (1) hour sample period.

8. **Impulsive Noise.** A sound of short duration, usually less than one (1) second and of high intensity, with an abrupt onset and rapid decay.
9. **Infill Lots.** For purposes of noise regulations, infill lots are vacant or developed lots of five (5) or less acres that are substantially surrounded by development.
10. **Intrusive Noise.** The alleged offensive noise that intrudes over and above the existing ambient noise at the receptor property.
11. **Land Use-Related Noise Sources.** Any fixed or mobile noise source not preempted from local control by existing Federal or State regulations, including industrial and commercial facilities and vehicle movements on private property.
12. **L<sub>dn</sub>.** See “Day-night average sound level.”
13. **L<sub>eq</sub>.** See “Equivalent sound level.”
14. **Maximum Sound Level.** The highest level of sound that can be recorded during a noise event.
15. **Noise Disturbance.** An alleged intrusive sound that violates an applicable noise standard of Chapter 16.60.
16. **Noise-Impacted Infill Lots.** Lots which are currently, or will in the future be, impacted by transportation noise or by land use-related noise sources.
17. **Noise Level (L<sub>n</sub>).** The level of noise expressed in decibels that exceeds the identified (L<sub>x</sub>) value a percentage of total time measured. For example, an L<sub>25</sub> noise level means that noise level is exceeded 25 percent of the time measured.
18. **Noise-Sensitive Land Uses.** Land which is occupied by, is zoned for, and/or has a General Plan designation that allows a use(s) for which serenity and quiet are of extraordinary significance, serving an important public need, and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose. Includes land uses for residential uses, live-work space, offices, child care, religious facilities, academic schools and colleges and universities, libraries and museums, social services facilities, parks and playgrounds, conservation areas, funeral facilities, lodging facilities, and medical services.
19. **Transportation-Related Noise Source.** Traffic on public roadways, railroad line operations, and aircraft in flight or in the process of landing or taking-off.

**Nonconforming Parcel.** A parcel that was legally created prior to the adoption of the ordinance codified in this Development Code or which legally existed at the time of annexation, and which does not conform to current Code provisions/standards (e.g., access, area or width requirements, etc.) prescribed for the zoning district in which the parcel is located.

**Nonconforming Structure.** A structure that was legally constructed prior to the adoption of the ordinance codified in this Development Code and which does not conform to current Code provisions/standards (e.g., height, setbacks, open space, distance between structures, etc.) prescribed for the zoning district in which the structure is located.

**Nonconforming Use.** A use of a structure (either conforming or nonconforming) or land that was legally established and maintained prior to the adoption of the ordinance codified in this Development Code and which does not conform to current Code provisions governing allowable land uses for the zoning district in which the use is located.

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

**Nontaxable Merchandise.** Products, commodities, or items the sale of which is not subject to California State sales tax.

† **Nurseries and Garden Supply Stores (Land Use).** Commercial establishments engaged in the production and/or sale of ornamental plants and other nursery products, grown under cover or outdoors. Includes stores selling these products and commercial scale greenhouses; the sale of house plants or other nursery products entirely within a building (also included under “Retail stores (General)”). Does not include home greenhouses which are accessory residential structures.

**Nursery School/Pre-School.** See “Child care facilities.”

## - O -

**Occupancy.** The residing of an individual or individuals overnight in a dwelling unit; or the storage or use of equipment, merchandise, or machinery in any public, commercial, or industrial building.

† **Offices (Land Use).** A structure, room, or group of rooms used for conducting the affairs of a business, profession, service, industry, or government and generally furnished with desks, tables, files, and communication equipment. An office building may include ancillary services for office workers, such as a restaurant, coffee shop, health/fitness facilities, newspaper or candy stand which comply with Section 16.80.020 (Accessory uses and structures), and child care which complies with Section 16.80.100 (Child care facilities). Does not include medical services such as the offices of doctors, dentists, chiropractors, physical therapists, etc. (“Medical services”).

**Off-Premises Sign.** See “Signs, off-premises.”

**Open Land Development.** An area which is proposed for development into industrial, commercial, or residential densities. Typically, these areas are presently being farmed or utilized as open space and lack drainage systems and most other public improvements.

**Open Space, Common.** Outdoor areas within a development project that are commonly owned and maintained and designated for the common use or enjoyment of all residents/tenants of the development project. Includes common landscaped areas, private parks, natural areas, waterways, etc. Does not include public parks.

**Open Space, Private.** An outdoor area within a development project that is reserved for use by the residents/tenants of a specific unit or portion of the site.

† **Organizational Houses (Land Use).** Residential lodging houses operated by educational and religious institutions and/or membership organizations for their members and not open to the general public. Includes convents, dormitories, fraternity and sorority houses, monasteries, and religious residential retreats. Does not include living quarters for ministers and staff serving a religious facility (“Religious facilities”).

† **Outdoor Assembly Facilities (Land Use).** Commercial outdoor facilities for the public and groups to gather for an event. Includes outdoor wedding facilities, outdoor theaters, outdoor concert facilities. Does not include commercial recreation facilities (“Outdoor commercial recreation facilities”) or parks or playgrounds (“Parks and playgrounds,” “Private residential recreation facilities”).



**Outdoor Activity Area.** The outdoor recreation areas for noise-sensitive land uses. For single-family dwellings, it includes the lot's rear yard and/or side yard when the side yard is of a sufficient size to provide outdoor recreational opportunities. For multifamily dwellings, it includes patios, balconies, common outdoor recreation areas, and swimming pool areas of the project. For other uses, it includes areas of sufficient size to provide outdoor recreational opportunities and/or areas for rest and relaxation.

† **Outdoor Commercial Recreation Facilities (Land Use).** Facilities for various outdoor spectator or participant sports and types of recreation where a fee is charged for use, including:

amphitheaters	race tracks
baseball	shooting ranges
basketball	skateboard parks
batting cages	soccer
bocce ball	softball
go-cart and miniature auto race tracks	stadiums and coliseums
golf driving ranges separate from golf courses	swim and tennis clubs
handball courts	swimming pools
health and athletic club outdoor facilities	tennis courts
ice rinks	volleyball
miniature golf courses	water slides
motorcycle racing and drag strips	zoos

May also include commercial facilities customarily associated with the above outdoor commercial recreational uses, including bars and restaurants, video game arcades, etc. Does not include Recreational Vehicle Parks ("Recreational Vehicle Parks").

† **Outdoor Retail Sales and Activities (Land Use).** Permanent outdoor sales and rental establishments including auction yards, flea markets, lumber and other material sales yards, outdoor facilities for the sale or rental of vehicles/equipments, and other uses where the business is not conducted entirely within a structure. Does not include the sale of automobiles and recreational vehicles ("Auto and vehicle sales, leasing, and rental") or mobilehomes ("Mobilehome sales"). Outdoor retail sales and activities shall comply with the standards for outdoor display and sales (Section 16.80.260).

**Outdoor Retail Sales, Temporary.** Temporary outdoor retail operations including:

Christmas trees, pumpkins or the sale of other seasonal items in compliance with Section 16.80.110 (Christmas tree/holiday/sales facilities)

farmers' markets

produce stands in compliance with Section 16.80.280 (Produce stands)

semi-annual sales of art/handcrafted items in conjunction with community festivals or art shows

sidewalk or parking lot sales longer than one (1) weekend

retail sales from individual vehicles in temporary locations outside the public right-of-way

Temporary outdoor retail sales are subject to a temporary activity permit in compliance with Chapter 16.164 (Temporary Activity Permits), unless otherwise identified. Does not include motorized food wagons (Section 16.80.020(B)(4)) or mobile vendors (Section 16.80.020(B)(3)).

**Outfall Works.** A system of pumps, retention basins and/or sumps designed as a permanent drainage discharge system approved by the City Engineer and located at an approved point of terminal drainage.

**Overlay Zoning District, or Overlay Zone.** A supplementary zoning designation that is applied to property in addition to a primary zoning district to highlight special regulations that apply to properties within the overlay district. The overlay zoning districts established by Section 16.16.020 (Zoning districts established), include the aircraft operations (-AIR), channel area (-CHA), design review (-DES), and Magnolia historic district (-MHD).

- P -

**Paper Product Manufacturing.** See “Manufacturing, light manufacturing.”

**Parcel.** See “Lot or parcel.”

**Parcel Map.** The subdivision map described by the Subdivision Map Act, Article 3, Chapter 2, which is required to complete a subdivision of four (4) or fewer lots.

**Parking Assessment District.** An area within which property owners are taxed for the cost of the City providing parking facilities.

**Parking Facilities.** See “Auto and vehicle services.”

† **Parks and Playgrounds (Land Use).** Public parks, play lots, playgrounds, and athletic fields for non-commercial neighborhood or community use, including tennis courts. May include passive outdoor recreation areas which also may be located in conservation areas (“Conservation areas”). Does not include the same facilities that are privately-owned (“Private residential recreation facilities”); commercial facilities (“Outdoor commercial recreation,” “Indoor recreation facilities”); or recreational vehicle parks and campgrounds (“Recreational vehicle parks”).

**Patio.** A typically paved outdoor area on the site of a dwelling that is used for lounging, dining, etc.

**Paving and Roofing Materials Manufacturing.** See “Manufacturing, heavy manufacturing.”

**Peripheral Street.** A street with its right-of-way contiguous to the exterior boundary of the subdivision or development, or whose right-of-way is adjacent to the exterior boundary of the subdivision or development separated only by an easement or right-of-way under the control of a public utility.

**Permitted Use.** A use of land identified by Division 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards) as being allowed in a particular zoning district.

**Person.** Any individual, firm, co-partnership, corporation, company, association, joint stock association; City, County, State, or district; and includes any trustee, receiver, assignee, or other similar representative thereof.

**Person With an Identification Card.** As defined in California Health and Safety Code Section 11362.5 et seq., and as may be amended.

† **Personal Services (Land Use).** Establishments providing nonmedical services of a personal nature to individuals as a primary use. Includes:

1. **Restricted (Land Use).**

acupressure	fortunetellers
body piercing	psychic readers/palm reading

2. **Unrestricted (Land Use).** Services for individuals that do not normally have a detrimental impact on surrounding areas.

beauty parlors	nail salons
clothing rental	newsstands
dry cleaning pick-up stores	shoe repair shops
electrolysis	tailors
hair cutting/styling	tanning salons
home electronics repair	tattoo parlors
laundromats (self-service laundries)	travel agents
laundromats	

These uses may also include accessory retail sales of products related to the services provided. Does not include real estate agents and travel agents (“Offices”); acupressure, bodywork, and massage therapists (“Medical services—Health-related facilities”); and physical therapists (“Medical services—Medical-related facilities”).

† **Personal Storage Facility (Mini-Storage) (Land Use).** A structure or group of structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand.

**Pet Grooming.** See “Animal services.”

† **Pet Shops (Land Use).** Retail stores selling birds, cats, dogs, fish, and other common household pets, including supplies for their care and feeding. Includes incidental pet grooming. Does not include the boarding of animals other than those for sale (“Animal services—Kennels and boarding facilities”) and separate pet grooming facilities (“Animal services—Pet grooming”).

**Petroleum Refining and Related Industries.** See “Manufacturing, heavy manufacturing.”

† **Petroleum Storage and Distribution (Land Use).** Wholesale and retail establishments engaged in the storage, and sale of gasoline, oil, butane, propane, and liquefied petroleum gas (LPG)

and similar products to retailers and consumers. Does not include the sale of gasoline at a service station (“Auto and vehicle services—Service stations”).

**Planned Development.** As defined by Civil Code Section 1351(k), means a development (other than a community apartment project, condominium, or stock cooperative) having either or both of the following features:

1. The common area is owned either by an association or in common by the owners of the separate interests who possess appurtenant rights to the beneficial use and enjoyment of the common area; and/or
2. A power exists in the association to enforce an obligation of an owner of a separate interest with respect to the beneficial use and enjoyment of the common area by means of an assessment which may become a lien upon the separately owned parcel, or area in compliance with Civil Code Section 1367.

**Planning Commission.** The Stockton Planning Commission, appointed by the Stockton City Council in compliance with Government Code Section 65101, referred to throughout this Development Code as the “Commission.”

**Plastics, Other Synthetics, and Rubber Product Manufacturing.** See “Manufacturing, heavy manufacturing.”

**Playground.** An active recreational area with a variety of facilities, including equipment for younger children, as well as court and field games. Does not include play areas in conjunction with child care facilities (i.e., small family child care, large family child care, child care centers) or play areas located on the site of residential homes or facilities.

† **Pool Halls/Billiard Parlors (Land Use).** Business, activity, or enterprise providing a place where pool or billiards is played. Does not apply to any bona fide nonprofit society club, fraternal, labor, or other organizations having adopted bylaws and duly elected directors and members having exclusive use of these facilities at no charge, and whose operation is incidental to the main purpose of the organization. Pool halls and billiard parlors shall comply with the standards for problem uses (Section 16.80.270).

**Premises.** Contiguous land in the same ownership and which is not divided by a public highway, street, or alley.

**Primary Caregiver.** As defined in California Health and Safety Code Section 11362.5 et seq., and as may be amended.

**Primary Metal Industries.** See “Manufacturing, heavy manufacturing.”

**Primary Structure.** See “Structure.”

**Primary Use.** See “Use, primary.”

**Primary Zoning District.** See “Zoning district, primary.”

† **Printing and Publishing (Land Use).** Establishments engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying; and other establishments serving the printing trade including bookbinding, typesetting, engraving, photoengraving, and electrotyping. This use also includes establishments that publish newspapers, books and periodicals; establishments manufacturing business forms and binding devices. Does not include “quick printing” services (“Business support services”) or desktop publishing (“Offices”).

**Private Clubs.** See “Clubs, lodges, and private meeting halls.”

† **Private Entertainment Facilities (Land Use).** Business with one or more separate, individual facilities for viewing or participating in games or videos. Includes individual viewing booths for movies and/or individual arcade games. Facilities for adult-related entertainment shall comply with the standards in Section 16.80.030 (Adult-related establishments).

† **Private Residential Recreation Facilities (Land Use).** Privately-owned, non-commercial outdoor recreation facilities provided for members or project/neighborhood residents, including swim and tennis clubs, park and sport court facilities, boat docks. Does not include golf courses/country clubs (“Golf courses/country clubs”).

**Problem Uses.** Uses that have a blighting and/or deteriorating effect upon their surroundings, and which may be dispersed to minimize their adverse impacts. These uses include billiard parlors and pool halls, card rooms, convenience stores, off-sales of alcoholic beverages, on-sale of alcoholic beverages that are not in conjunction with a restaurant, and parole offices. Problem uses are subject to the requirements of Section 16.80.270 (Problem uses).

**Produce Stand.** A temporary business established and operated for a specific time, selling raw, unprocessed fruits, vegetables, nuts, and other produce in its raw or natural state, and that is accessory to an on-site or adjacent agricultural operation. Produce stands are subject to the requirements of Section 16.80.280 (Produce stands).

**Product Assembly and Distribution.** See “Manufacturing, light manufacturing.”

**Project Plan.** A plan for the physical development of an entire site, particularly for the development of shopping centers.

**Project Site.** For purposes of the landscaping requirements, Chapter 16.56 (Landscaping Standards), a project site is any site for which a final map has been approved by the Council or parcel map has been approved by the City Engineer or for which a building permit has been issued.

† **Public and Semi-Public Utility Facilities (Land Use).** Fixed-base structures and facilities serving as junction points for transferring utility services from one transmission voltage to another or to local distribution and service voltages, and other utility services and facilities (e.g., water, sewer, storm drainage, etc.). These uses include any of the following facilities that are not exempted from land use permit requirements by Government Code Section 53091:

community wastewater treatment plants, settling ponds, and disposal fields	public water system wells, treatment plants, and storage
electrical substations and switching stations	telephone and fiber optic switching center buildings
natural gas regulating and distribution facilities	water storage
petroleum pipeline surge tanks and pump stations	

These uses do not include office or customer service centers (“Offices”); equipment and material storage yards (“Storage facilities—Storage yards”); corporation and maintenance yards, public water system and treatment plants, wastewater treatment plants (“Major impact facilities”); unstaffed electric and telephone equipment appurtenant to utility facilities (e.g., surface mounted transformers,

remote terminal and service cabinets, pedestals and pedestal-mounted terminal boxes and meter cabinets, and concealed ducts); or pipelines or utility lines that are not regulated by the City.

**Public Improvements.** See “Improvements, public.”

† **Public Institutions (Land Use).** Facilities operated by public agencies or private entities on behalf of public agencies, including City administration buildings; fire stations and other fire prevention and fire fighting facilities; police and sheriff substations and headquarters, including interim incarceration facilities; post office; customs facilities; grain inspection stations; parole offices. Does not include facilities specifically identified under another land use category, including libraries and museums (“Libraries and museums”) and schools (“Educational facilities”). Parole offices shall comply with the requirements for problem uses (Section 16.80.270).

**Public Nuisance.** Any condition that is caused, maintained, or permitted to exist in such a way as to:

1. Constitute a threat to the public’s health, safety, or welfare;
2. Unreasonably offend or injure the senses;
3. Be annoying, unpleasant, or obnoxious; or
4. Significantly obstruct, injure, or interfere with the reasonable or free use of property.

**Public Place.** Any property that is owned, leased, or controlled by the City of Stockton, except rights-of-way and parks.

**Pulp and Pulp Product Industries.** See “Manufacturing, heavy manufacturing.”

## - Q -

**Qualifying Resident.** Senior citizens or other persons eligible to reside in senior citizen housing.

**Quiet Zone.** An area/zone along a designated railroad in which the sounding of locomotive horns is not required for grade-crossings that have conventional flashing lights and gates and are equipped with supplementary safety measures (SSMs) which comply with one of the following criteria:

1. The average risk at the crossing is less than the national average for gated crossings where the train horn sounds (National Risk Threshold or NSRT); or
2. Safety improvements are made that reduce the risk to a level either less than the NSRT or a level that compensates for loss of the train horn as a warning device.

## - R -

**Recreational Vehicle (RV).** A motorhome, travel trailer, truck camper, or camping trailer, with or without motive power, originally designed for human habitation for recreational, emergency, or other occupancy, which meets all of the following criteria:

1. It contains less than 320 square feet of internal living room area, excluding built-in equipment, including wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms;

2. It contains 400 square feet or less of gross area measured at maximum horizontal projections;
3. It is built on a single chassis; and
4. It is either self-propelled, truck-mounted, or permanently towable on the highways without a towing permit.

† **Recreational Vehicle and Boat Sales, Leasing, and Rental—New and Used (Land Use).** Retail establishments selling, leasing, and/or renting the following new or used vehicles and products:

boats	motorcycles
campers/camper shells	recreational vehicles
golf carts	snowmobiles
jet skis	travel/recreational trailers
motorhomes	other recreational vehicles

May also include repair shops and the sales of parts and accessories incidental to vehicle dealerships. Does not include: parts/accessory sales separate from a vehicle dealership (see “Auto parts sales”); or bicycle and moped sales (see “Retail stores (general)”).

† **Recreational Vehicle Park (Land Use).** A site where one or more lots are used, or are intended to be used, by campers with recreational vehicles or tents. Recreational vehicle parks may include public restrooms, and water, sewer, and electric hookups to each lot. Includes campgrounds. May include accessory retail uses which are clearly incidental and intended to serve RV park or campground patrons only.

† **Recycling and Waste Facilities (Land Use).** This land use type includes a variety of facilities involved with the collection, sorting, and processing of recyclable materials.

1. **Collection Facilities (Land Use).** A center where the public may donate, redeem, or sell nonhazardous recyclable materials; may include permanent structures. Includes Salvation Army and Goodwill type drop-offs. Does not include the sale of materials to the public (secondhand stores/pawnshops) or state-certified redemption centers (redemption centers, below).
2. **Redemption Centers (Land Use).** A facility certified by the California Department of Resources Recycling and Recovery (CalRecycle) as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986 for the collection of materials including California Redemption Value (CRV) glass, aluminum, paper and plastic containers. May include permanent kiosk-type units.
3. **Recycling Facility (Land Use).** A structure or enclosed space used for the collection and/or processing of recyclable materials, including scrap aluminum, paper, pulp, and nonferrous materials, for shipment, or to an end-user’s specifications, by such means as baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, remanufacturing, and shredding. Can be the sole business on the site. Does not include hazardous or contaminated waste (“Major impact facilities”).

4. **Scrap and Dismantling Yards (Land Use).** Outdoor establishments primarily engaged in assembling, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap, and the incidental wholesale or retail sales of parts from those vehicles. Includes light and heavy processing facilities for recycling and recycling of ferrous materials. Does not include: pawnshops, and other secondhand stores (“Secondhand stores/pawnshops”); the sale of operative used cars (“Auto and vehicle sales/leasing/rental—Used”); or landfills or other waste disposal sites (“Major impact facilities”).

5. **Transfer Stations (Land Use).** Facility for the separation of recyclable items from solid waste, with the remaining solid waste taken to the landfill. May include recycling facilities, above.

**Redemption Centers.** See “Recycling and waste facilities.”

**Regional Shopping Center.** See “Shopping center.”

† **Religious Facilities (Land Use).** Facilities operated by religious organizations for worship, or the promotion of religious activities and instructions; and accessory uses on the same site, including living quarters for ministers and staff, child care facilities, and temporarily up to six (6) homeless individuals or family members. Includes churches, synagogues, mosques, temples, etc. Does not include other establishments maintained by religious organizations, including full-time educational institutions, hospitals and other potentially related operations (including a recreational camp) which are classified according to their respective activities.

**Remainder.** As part of a proposed subdivision, a portion of a parcel that is left undivided when other portions of the parcel are divided for the purpose of sale, lease, or financing, in compliance with Map Act Section 66424.6.

**Remainder, Designated.** As part of a proposed subdivision, a portion of any unit or units of improved or unimproved land that are designated by the subdivider as a remainder that is not divided for the purpose of sale, lease, or financing, in compliance with Map Act Section 66424.6.

**Rendering Plants.** Facilities engaged in the rendering of inedible stearin, grease, and tallow from animal fat, bones, and meat scraps (“Major impact facilities”).

† **Repair Services (Land Use).** Service for the repair and/or maintenance of business equipment and consumer products including computers and other electronic equipment; television, radio, and other appliance repair; watch, clock, and jewelry repair; re-upholstery and furniture repair; and shoe repair. Does not include auto and mechanical repair services (“Auto/vehicle services, maintenance/minor repair”; “Auto/vehicle services, major repair/body work”).

† **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”).

† **Residential Care Facilities (Land Use).** State-licensed facilities providing residential, social, and personal care for children, the elderly, or people with some limits on their ability for self-care, but where medical care is not a major element.



1. **Assisted Living (Land Use).** A facility that provides a combination of housing, meals, supportive services, personalized assistance, and health care that responds to the individual requirements of those who need assistance with the activities of daily living but do not need 24-hour skilled medical care. They may provide other services, including recreational activities, financial services, and transportation. Does not include child care facilities (“Child Care Facilities”).
  2. **Care Homes, Six (6) or Fewer Clients (Land Use).** Any facility, place, or building which is maintained and operated to provide nonmedical residential care, day treatment, or adult day care for six (6) or fewer children, adults, children and adults, or seniors, including the physically handicapped, mentally impaired, incompetent persons, abused or neglected children. These facilities are licensed by the State of California and only subject to State regulations. Includes adult residential facilities, adult day care facilities, day treatment facilities, foster family homes, group homes, residential care facilities for the chronically ill, residential care facilities, small family homes, social care facilities, social rehabilitation facilities, community treatment facilities, wards of the Court, and residential care facilities for AIDS patients (Department of Social Services); intermediate care facilities (Department of Health Services); alcoholism or drug abuse recovery or treatment facilities (Department of Drug and Alcohol); and convalescent homes and nursing homes (Department of Public Health); pediatric day health and respite care facilities; intermediate care facilities for the developmentally disabled and congregate living health facilities; guest homes and rest homes. Does not include child care facilities (“Child care facilities”).
  3. **Family Care Homes, Seven (7) or More Clients (Land Use).** Any facility, place, or building which is maintained and operated to provide nonmedical residential care for seven (7) or more children, adults, or children and adults, including the physically handicapped, mentally impaired, incompetent persons, or abused or neglected children. Includes adult residential facilities, adult day care facilities, day treatment facilities, group homes, residential care facilities for the chronically ill, facilities for wards of the court, and residential care facilities for AIDS patients (Department of Social Services); intermediate care facilities (Department of Health Services); convalescent homes and nursing homes (Department of Public Health); intermediate care facilities for the developmentally disabled and congregate living health facilities. Does not include “Child care facilities,” “Adult day care facilities,” and “Social services facilities—Drug abuse, alcohol recovery/treatment facility.”
  4. **Senior Care Facilities, Seven (7) or More (Land Use).** Residential facilities that provide social and personal care with little or no medical care for seven or more persons who are at least 62 years of age, or are at least 55 years of age who meets the qualifications found in Section 51.3 of the California Civil Code. Includes residential care facilities for the elderly (Department of Social Services); guest homes and rest homes.
- † **Restaurant (Land Use).** A retail business selling food and beverages prepared on the site, including counter service establishments where customers are served prepared food from a walk-up ordering counter or drive-up window for either on- or off-premises consumption; and table service establishments where most customers are served food at tables for on-premises consumption, but may also provide food on a take-out basis where take-out is clearly secondary to table service. Outdoor dining facilities shall meet the standards for outdoor dining and seating areas (Section 16.80.250). Does not include the restaurants selling alcoholic beverages (“Alcoholic beverage sales—With another use (on-sale)”).

† **Retail Stores (General) (Land Use).** Stores and shops selling goods or merchandise, not specifically listed under another land use, to the general public for personal or household consumption and rendering services incidental to the sale of goods. These stores and lines of merchandise include:

antiques	grocery stores
art	hardware
artists' supplies	hobby materials
bakeries (retail only)	jewelry
bicycles	luggage and leather goods
books, new and used	mini-marts without gas and/or alcohol sales
cameras and photographic supplies	musical instruments, parts, and accessories
clothing and accessories	newsstands, including outdoor sales
collectibles	orthopedic supplies
mini marts without gas or alcohol sales	religious goods
department stores	small wares
drug and discount stores	specialty shops
dry goods	sporting goods and equipment
fabrics and sewing supplies	stationery
florists and houseplant stores (indoor sales only)	toys and games
food stores	variety stores
general stores	video stores
gift sales	

Includes adult bookstores and sale of other materials that comply with the standards in Section 16.80.030 (Adult-related establishments). Does not include outdoor sale of plants ("Nurseries and garden supply stores"), mini marts selling gasoline and alcohol ("Convenience stores"). Retail stores are subject to the requirements for the sale of alcoholic beverages in compliance with Section 16.80.040 (Alcoholic beverage sales (off-sale)) and for problem uses in compliance with Section 16.80.270 (Problem uses).

**Reverse Vending Machine Collection Facility.** A center where the public may donate, redeem, or sell recyclable materials using an automated mechanical device which accepts at least one or more types of empty beverage containers and issues a cash refund or redeemable credit slip with a value, as determined by State law. These vending machines may accept aluminum cans, glass and plastic bottles, and other containers. See "Recycling and waste facilities."

**Review Authority.** The individual or official City body (the Community Development Director, Planning Commission, or City Council) identified by this Development Code as having the

responsibility and authority to review, and approve or disapprove the permit applications described in Division 5 (Land Use Development Standards).

**Revocable Permit.** A permit required to place a privately-owned improvement or object in the public right-of-way.

† **Rooming and/or Boarding Houses (Land Use).** A residence or dwelling structure, or part thereof wherein three (3) or more rooms, with or without individual or group cooking/dining facilities, are rented to individuals under separate rental agreements or leases, either written or oral, whether or not an owner, agent, or rental manager is in residence. This definition also applies wherein there is only one (1) rental agreement or lease and three (3) or more individuals sign the same agreement or subleases and rent is paid separately by each of the individuals. Does not include the rental of a single-family dwelling or the rental of one (1) or two (2) rooms within a single-family dwelling (“Single-family dwelling”).

- S -

**Sales Floor Area.** Interior building space devoted to the sale of merchandise; it does not include restrooms, office space, storage space, automobile service area, open-air garden sales space, or outdoor sales area.

† **Sanitary Services (Land Use).** Facilities for the cleaning of hazardous and biohazardous materials. Includes the cleaning of portable toilets, tankers, and containers.

**Schools.** See “Educational facilities.”

**Scrap and Dismantling Yards.** See “Recycling and waste facilities.”

† **Second Hand Stores, Pawnshops (Land Use).** Retail establishments that buy and sell used products, including clothing, furniture and household goods, jewelry, appliances, musical instruments, business machines and office equipment, tools, motors, machines, instruments, firearms, or any similar secondhand articles or objects; includes indoor flea markets. Does not include bookstores (“Retail stores”); secondhand farm and construction equipment (“Construction, farm, and heavy equipment sales”); junk dealers, or scrap/dismantling yards (“Recycling facilities—Scrap and dismantling yards”); the sale of antiques and collectibles (“Retail stores”); the sale of cars and other used vehicles (“Auto and vehicle sales, leasing, and rental, used”); outdoor flea market (“Outdoor retail sales and activities”).

**Security.** Bonds, cash deposits, letters of credit, and/or other instruments acceptable to the City that are used to guarantee specific performance.

**Self-Distribution.** Distribution that is limited to cannabis products cultivated or manufactured onsite.

**Semitruck.** A heavy duty truck, usually with a large diesel engine and two (2) or three (3) axels, which is designed to haul long semitrailers for the transportation of freight.

**Senior Care Facilities.** See “Residential care homes.”

**Senior Citizen.** In compliance with State and Federal law, means:

1. Persons at least 62 years of age; or
2. Persons at least 55 years of age in a senior citizen housing development.

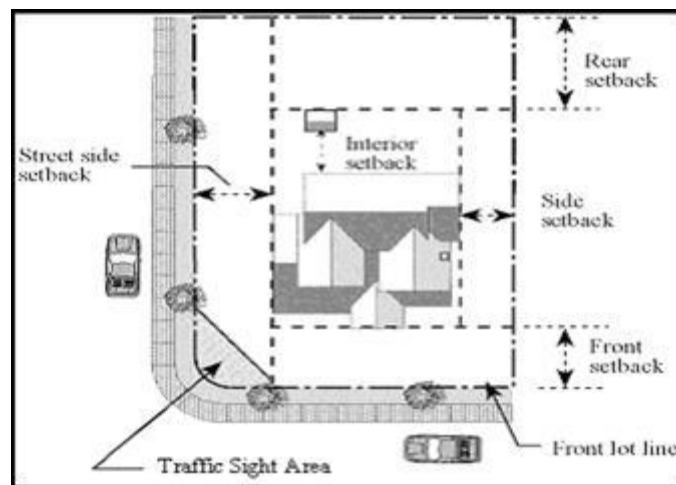
**Senior Citizen Housing.** A housing development consistent with the California Fair Employment and Housing Act (Government Code Section 12900 et seq., including Section 12955.9 in particular), which has been “designed to meet the physical and social needs of senior citizens,” and which otherwise qualifies as “housing for older persons” as that phrase is used in the Federal Fair Housing Amendments Act of 1988 (P.L. 100-430) and implementing regulations and as that phrase is used in California Civil Code Sections 51.2 and 51.3.

† **Senior Residential Projects (Land Use).** Multifamily housing designed for persons at least 62 years of age, or a person at least 55 years of age who meets the qualifications found in Section 51.3 of the California Civil Code. Includes senior apartments, retirement communities, retirement homes, homes for the aged. Does not include single-family subdivision for seniors (“Single-family homes”); extended care facilities such as convalescent homes or skilled nursing facilities (“Medical services—Extended care”); assisted living facilities or senior care facilities (“Residential care facilities”).

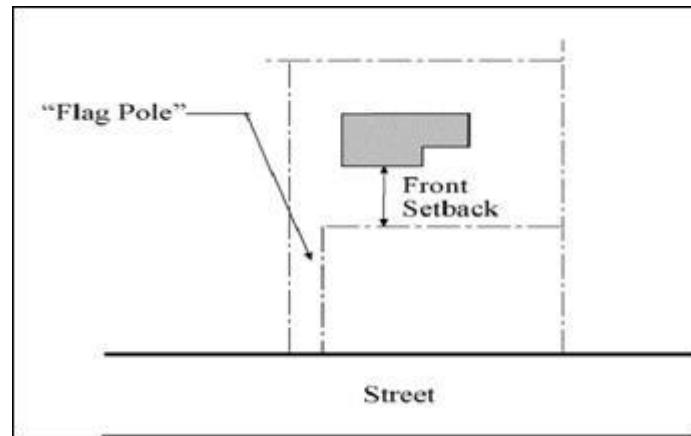
**Serious Medical Condition.** As defined in California Health and Safety Code Section 11362.7 et seq.

**Service Station.** See “Auto and vehicle services—Fueling stations.”

**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**

† **Shopping Center (Land Use).** Commercial sites that are primarily retail with two (2) or more separate businesses managed as a total entity and sharing common access, circulation, and pedestrian and parking areas so that a public right-of-way does not need to be used to get from one business to another.

1. **Neighborhood (Land Use).** A shopping center that provides a limited number of frequently or recurrently needed personal items or services for residents in an immediate neighborhood that generally occupies up to 10 acres, has up to 100,000 square feet of gross leasable area, and draws its clientele from a five (5) minute driving radius from the center.
2. **Community (Land Use).** A shopping center that provides a variety of retail or personal service needs for residents in a particular area of the community that generally contains approximately 150,000 square feet of gross leasable area, has a site of 10 to 25 acres, and draws its clientele from about a 10-minute drive from the center.
3. **Regional (Land Use).** A shopping center that contains a wide range of retail and service establishments, including at least one (1) or more anchor stores, for an entire community or larger area, and generally occupies more than 25 acres, often contains more than 400,000 square feet of gross leasable space, and draws its clientele from as much as a 45-minute drive from the center.

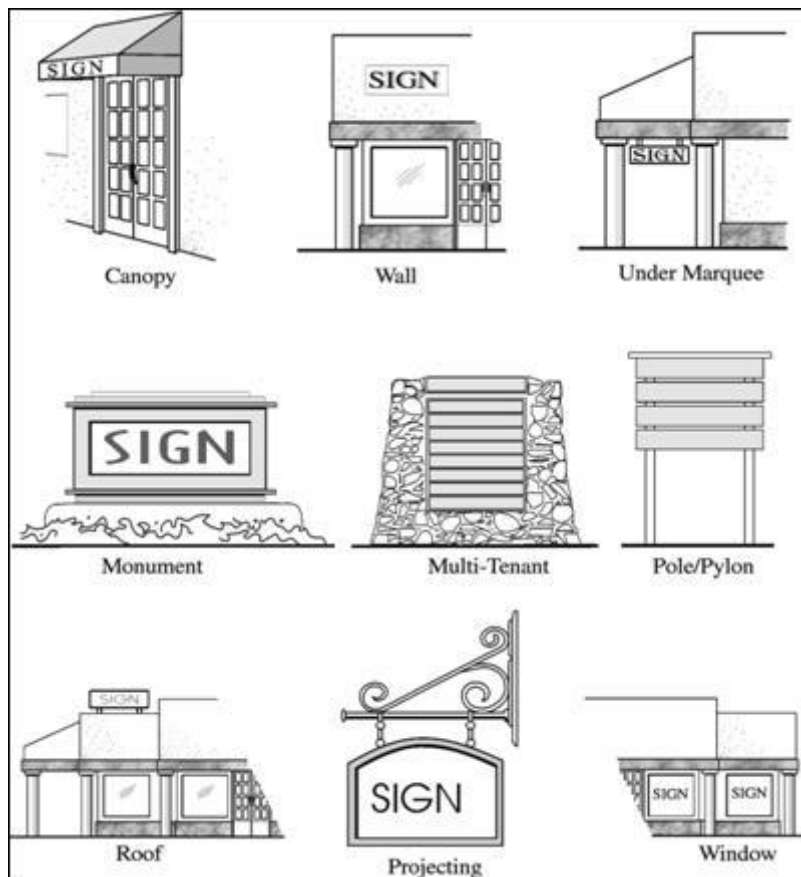
**Side-Entry Garage.** A garage with the front garage entry door perpendicular to the right-of-way.

**Sign.** Any structure, device, figure, painting, display, message placard, or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended, or used to advertise, or to provide data or information in the nature of advertising, to direct or attract attention to an object, person, institution, business, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. The following terms related to signs are used in this Development Code. See Figure 8-6.

1. **Abandoned Sign—Off-Premises.** An off premises sign that has not been maintained in compliance with the provisions of this Development Code for a period in excess of 30 days following legal notice to the owner of the property and/or owner of the advertising display, or

tenant on whose property the advertising display is located that the sign does not meet minimum maintenance standards as determined by the Director.

2. **Abandoned Sign—On-Site.** Any sign that is not maintained and advertises a business, lessor, owner, product, service, or activity that is no longer on the premises where the sign is displayed.
3. **Advertising Sign.** Any sign that provides copy intended to attract customers to purchase a product or service.
4. **Alteration.** Any change of copy, sign face, color, size, shape, illumination, position, location, construction, or supporting structure of any sign.
5. **Animated or Moving Sign.** Any sign which uses movement, lighting, or special materials to depict action or create a special effect to imitate movement.
6. **Awning Sign.** Any sign copy or logo attached to or painted on an awning.



**FIGURE 8-6 EXAMPLES OF SIGN TYPES**

7. **Banner, Flag, or Pennant.** Any cloth, bunting, plastic, paper, or similar nonrigid material used for advertising purposes attached to any structure, staff, pole, line, framing, or vehicle, not including official flags of the United States, the State of California, and other states of the nation, counties, municipalities, official flags of foreign nations and nationally or internationally recognized organizations.

8. **Bench Sign.** Copy painted on any portion of a bench.
9. **Business Identification Sign.** A sign which serves to identify only the name, address, and lawful use of the premises upon which it is located and provides no other advertisements or product identification.
10. **Changeable Copy Sign.** A sign designed to allow the changing of copy through manual, mechanical, or electrical means including time and temperature.
11. **City-Owned or Controlled Property.** Real property that the City of Stockton either owns in fee title or has a sufficient legal interest in through an easement, lease, right-of-way, or some other instrument to be able to use the property for the purposes of this title.
12. **Civic Event Sign.** A temporary on-site sign, other than a commercial sign, posted to advertise a civic event sponsored by a public agency, private school, church, civic-fraternal organization, or similar noncommercial organization.
13. **Construction Sign.** A sign that states the name of the developer and contractor(s) working on the site and any related engineering, architectural or financial firms involved with the project.
14. **Directional Sign.** An on-site sign which is designed and erected solely for the purposes of directing vehicular and/or pedestrian traffic within a project.
15. **Double-Faced Sign.** A sign constructed to display its message on the outer surfaces of two (2) identical and/or opposite parallel planes.
16. **Digital and/or Electronic Signs or Message Display.** A sign that is equipped to allow its information content, whether fixed or variable, to be changed or altered by electric, electro-mechanical, electronic or, digital display technology means.
17. **Moving Display/Sign (Includes Flashing).** A sign that uses blinking, flashing, or intermittent illumination that has at least one (1) change in a 24-hour period; light reflectors; moving or reflective characters or materials.
18. **Freestanding Sign.** Any nonmoveable sign not affixed to a building.
19. **Freeway-Oriented Sign.** A freestanding, on-site sign that advertises businesses adjacent to a "freeway." On-site means on the same parcel or within the same integrated center.
20. **Future Tenant Identification Sign.** A temporary sign that identifies the names of future businesses that will occupy a site or structure.
21. **Garage Sale Sign.** A sign with a message advertising the resale of personal property that has been used by the resident.
22. **Holiday Decoration Sign.** Temporary signs, in the nature of decorations, clearly incidental to and customarily associated with nationally recognized holidays and which contain no advertising message.
23. **Illegal Sign.** A sign which includes any of the following:
  - a. A sign erected without first complying with all regulations in effect at the time of its construction or use;
  - b. A sign that was legally erected, but whose use has ceased, the structure upon which the display is placed has been abandoned by its owner, or the sign is not being used to identify or advertise an ongoing business for a period of not less than 90 days;

- c. A sign that was legally erected which later became nonconforming as a result of the adoption of an ordinance, the amortization period for the display provided by the ordinance rendering the display conforming has expired, and conformance has not been accomplished;
  - d. A sign that was legally erected which later became nonconforming and then was damaged to the extent of 50 percent or more of its current replacement value;
  - e. A sign that is a danger to the public or is unsafe;
  - f. A sign that is a traffic hazard not created by relocation of streets or highways or by acts of the City; or
  - g. A sign that pertains to the specific event and five (5) days have elapsed since the occurrence of the event.
24. **Logo.** A distinctive organization or company signature, trademark, or symbol.
25. **Marquee (Canopy) Sign.** A sign which is attached to or otherwise made a part of a permanent roof-like structure which projects beyond the building wall in the form of a large canopy to provide protection from the weather.
26. **Monument Sign.** An independent, freestanding structure supported on the ground having a solid base as opposed to being supported by poles or open braces.
27. **Nameplate.** A small sign or plaque identifying the name and/or address of the occupant of a structure or business.
28. **Off-Premises Sign.** See “Signs, off-premises (Land Use).”
29. **Permanent Sign.** A sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.
30. **Pole Sign.** A sign that is displayed on and completely supported by one (1) or more support elements (pole(s)) that is ground-mounted, with no part of the sign attached to a building or similar structure.
31. **Political Sign.** A sign designed for the purpose of advertising support of or opposition to a candidate or proposition for a public election.
32. **Portable Sign.** A sign that is not permanently affixed to a structure or the ground.
33. **Projecting Sign.** A sign other than a wall sign suspending from, or supported by, a structure and projecting outward from, and perpendicular to, the structure.
34. **Promotional Sign.** A sign erected on a temporary basis to promote the sale of new products, new management, new hours of operation, a new service, or to promote a special sale.
35. **Real Estate Sign.** A sign indicating that a property or any portion thereof is available for inspection, sale, lease, rent, or directing people to a property, but not including temporary subdivision signs in compliance with California Civil Code Section 713.
36. **Roof Sign.** A sign constructed upon or over a roof, or placed so as to extend above the edge of the roof.
37. **Special Event Sign/Banner.** A temporary sign, balloon, or banner that is intended to inform the public of a unique happening, action, purpose, or occasion (i.e., grand opening or community event).



38. **Sign Amortization.** The elimination of nonconforming signs over a period of time intended to allow the owner the opportunity to realize the value of his or her investment in the sign.

39. **Temporary Sign.** Any sign intended to be displayed for a limited period of time and capable of being viewed from any public right-of-way, parking area or neighboring property.

40. **Vehicle Sign.** A sign which is attached to or painted on a vehicle which is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or business located on the property.

41. **Wall Sign.** A sign which is attached to or painted on the exterior wall of a structure with the display surface of the sign approximately parallel to the building wall.

42. **Window Sign.** Any sign posted, painted, placed, or affixed in or on any window exposed to public view. Any interior sign which faces any window exposed to public view and is located within three (3) feet of the window.

† **Signs, Off-Premises (Land Use).** A sign that identifies, advertises, or directs attention to a business, activity, product, service, or other commercial or noncommercial interest of any person, firm, or business not located on the premises where the sign is located; or a freestanding structure on which a sign is located, where the sign structure is on a premises not owned by the owner of the sign structure and where the sign message is not sponsored by the owner of the premises.

† **Single-Family Dwellings (Land Use).** A freestanding residential building designed for and/or occupied exclusively by one (1) living unit that includes one (1) kitchen and permanent provisions for living, sleeping, eating, sanitation, and parking. Also includes factory-built, modular housing units constructed in compliance with the Uniform Building Code (UBC) and mobilehomes/manufactured housing on permanent foundations. May also include living quarters without kitchen facilities for domestic employees (maid, etc.). Does not include "Rooming and/or boarding houses."

**Single Lot Development.** The construction of buildings, structures or other improvements on a single lot or parcel.

**Single Room Occupancy Facilities (SRO).** See "Lodging facilities."

**Site.** A parcel or adjoining parcels under single ownership or single control, considered a unit for the purposes of development or other use.

#### **Site/Lot Characteristics.**

1. **Grade.** The ground surface immediately adjacent to the exterior base of a structure, typically used as the basis for measurement of the allowed height of a proposed structure.

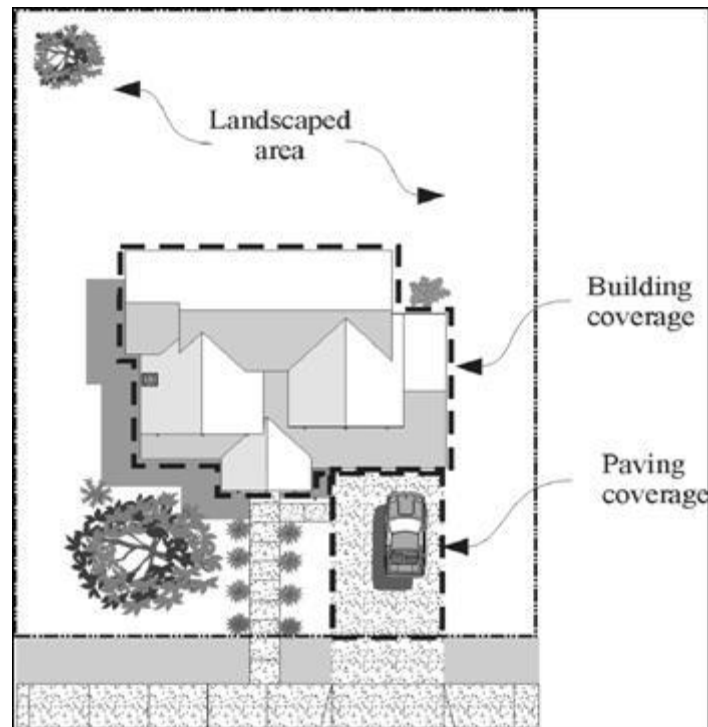
a. **Average Grade.** The elevation determined by computing the mathematical average of the elevations of the highest and lowest points on the boundaries of the area for which average grade is being determined.

b. **Existing or Natural Grade.** The contour of the ground surface before grading.

c. **Finish Grade.** The final contour of the ground surface of a site that conforms to the approved grading plan.

d. **Street Grade.** The elevation of the centerline of the street adjacent to the site proposed for development.

2. **Site/Lot Coverage.** The percentage of total site area occupied by structures. Structure/building coverage includes the primary structure, all accessory structures (e.g., carports, garages, patio covers, storage sheds, trash dumpster enclosures, etc.) and architectural features (e.g., chimneys, balconies, decks above the first floor, porches, stairs, etc.). Structure/building coverage is measured from exterior wall to exterior wall. See Figure 8-7 (Site Coverage).



**FIGURE 8-7 SITE COVERAGE**

3. **Site Area.** Gross site area means the total area included within the lot lines of a site, exclusive of adjacent dedicated street rights-of-way. Net site area means exclusive of easements, including those for utilities or flood control channels, which limit the use of the site.

**Site Plan.** A plan for a project site that delineates the overall layout of a proposed facility, including structures, ingress/egress and circulation, and improvements.

**Site Plan Review.** Discretionary land use permit for which procedures are established by Chapter 16.152 (Site Plan Review).

**Slaughterhouses.** Establishments primarily engaged in slaughtering cattle, calves, hogs, sheep, lambs, and/or other animals for meat to be sold, or used on the same site in canning, curing, and freezing, and in the making of sausage, lard, and other products ("Major impact facilities").

**Small Family Care Homes.** See “Child care facilities.”

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

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

**Software Development and Distribution.** Business establishments engaged in the design, development, production, packaging, and distribution of computer software products.

**Specialized Education and Training.** See “Educational facilities.”

**Standard Plans and Specifications.** The most recent City of Stockton adopted version of the guide for the standardization of public works installations within the City.

**Statutory Cooperatives.** Must file articles of incorporation with the State and conduct its business for the mutual benefit of its members (Corporation Code, Sections 12201, 12300) and register as a corporation under the Corporations or Food and Agricultural Code (Id. at Section 12311(b)). The earnings and savings of the business must be used for the general welfare of its members or equitably distributed to members in the form of cash, property, credits, or services.

**Stock Cooperative.** A development defined by Business and Professions Code 11003.2 and Civil Code Section 1351(m), where a corporation is formed to hold title to improved real property and the shareholders in the corporation receive a right of exclusive occupancy in a portion of the real property.

**Stockton Channel Area.** See “Channel area.”

**Stockyards.** Sites where cattle or other animals are held or maintained for the purposes of feeding and/or marketing, including feed lots and sales yards (“Major impact facilities”).

**Stone and Cut Stone Product Manufacturing.** See “Manufacturing, heavy manufacturing.”

† **Storage Yards (Land Use).** The outdoor storage of various materials and/or equipment as the primary use of the site. Includes contractor’s storage yards, equipment storage yards, etc. Does not include recycling facilities, auto wrecking, etc. (“Recycling and waste facilities”).

**Story.** A horizontal section of a building, with a single continuous or primarily continuous floor, including all rooms on the same floor or level of the building.

**Street.** A public roadway (road, highway, drive, lane, avenue, place, boulevard, and any other thoroughfare) that affords the principal means of access to an abutting property. See City's standard specifications and plans, City of Stockton General Plan—Background Report, for specifics.

1. **Local Street.** Low speed/low volume roadways used primarily for direct access to residential, commercial, industrial, or other abutting property whose sole function is to provide access to the immediately adjacent land. Connects individual parcels, especially homes, to collectors. Includes low volume residential, medium volume residential, commercial, and industrial.
2. **Collector.** A medium speed/medium volume street which serves traffic movements within subdivisions and connects the local streets within this area to an arterial street or other collector street. Collectors include residential (back-up) and nonresidential streets.
  - a. **Urban Collector System Collector.** Provides local service principally from residential neighborhoods to arterial highways.
  - b. **Industrial Collector.** Provides specific local truck access within industrial areas and linkage directly to arterials.
3. **Arterial.** Relatively high speed/high capacity street that serves as the principal network for through traffic flow by connecting areas of principal traffic generation to regional transportation facilities and intra-community travel, as well as important rural highways entering the city. Includes minor and major arterials.
  - a. **Minor Arterial.** Provides traffic service to and from community centers, major recreational areas, and major generators, and only secondarily provides direct access to abutting land. Connects local roads and streets to expressways, arterials, and other collectors.
  - b. **Major Arterial.** Provides for relatively large traffic movements between areas within urban areas and across portions of urban areas. Provides for movement of long trips between communities and subregions. Provides direct service to principal generators and secondarily for direct access to abutting land. Connects to freeways, expressways, and other arterials.

**Street Line.** The boundary between a street right-of-way and property.

**Street, Public.** A public thoroughfare accepted by the City, which affords principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except an alley as defined in this section.

**Street, Private.** A privately-owned and maintained thoroughfare, which affords principal means of access to abutting property.

**Street Tree.** A tree planted by the City, or by another party that has been permitted by the Director to plant in lieu of the City, either in the public right-of-way or public utility easement.

**Structural Clay and Pottery Product Manufacturing.** See "Manufacturing, heavy manufacturing."

**Structure.** Anything constructed or erected, the use of which requires attachment to the ground or attachment to something located on the ground. Includes manufactured and modular buildings

(residential, commercial, industrial). For the purposes of this Development Code, the term “structure” includes “buildings.”

1. **Primary Structure.** A structure that accommodates the primary use of the site.
2. **Accessory Structure.** A structure that is physically detached from, secondary and incidental to, and commonly associated with the primary structure. For the purposes of this Development Code accessory structures and uses include: detached garages, greenhouses, tool sheds, artist’s studios, and workshops; hot tubs, jacuzzis, spas, and swimming pools, together with any enclosures or associated buildings (e.g., pool houses that may include limited kitchen facilities); and any other open air enclosures, including gazebos and detached patio covers, portable covers, or shelters. See Section 16.80.020, Accessory uses and structures.
3. **Temporary Structure.** A structure without permanent foundation or footings and that is designed to be removed when the designated time period, activity, or use has ended.

† **Studios (Land Use).** Facilities for individual instruction and training in the arts; creation of products/productions; production rehearsal; photography and the processing of photographs produced only by users of the studio facilities.

**Subdivider.** A person, firm, corporation, partnership or association who proposes to divide or causes to be divided real property into a subdivision for oneself or for others; except that employees and consultants of persons or entities, acting in such capacity, are not “subdividers.” See “Developer.”

**Subdivision.** The division, by any subdivider, of any unit or portion of land shown on the latest equalized San Joaquin County assessment roll as a unit or contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way. Subdivision includes the following, as defined in Civil Code Section 1351: a condominium project; a community apartment project; or the conversion of five (5) or more existing dwelling units to a stock cooperative.

**Subdivision Improvement Standards.** The City of Stockton regulations for the design and construction of streets, water supply and sewage disposal systems, and other facilities that will serve the parcels in an approved subdivision.

**Subdivision Map Act, or Map Act.** Division 2, Title 7 of the California Government Code, commencing with Section 66410 as presently constituted, and any amendments to those provisions regarding the subdivision of real property.

**Suburban Area.** An area generally characterized by separate land uses and housing types with most uses oriented toward the automobile; single-family homes are built at lower densities, usually less than five (5) units per acre, and located on long streets or cul-de-sacs with a limited number of full intersections and backup walls along collector and arterial streets; commercial and office uses are usually located on arterials. Most development in suburban areas occurs on raw land. In Stockton, suburban areas are primarily located in one (1) of three (3) areas: 1. north of the Calaveras River; 2. west of I-5; or 3. south of Eleventh Street and east of Airport Way.

**Supportive Housing.** Housing with no limit on the length of stay, that is occupied by the target population and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live

and, when possible, work in the community. Supportive housing units are residential uses permitted in all zones allowing residential uses, subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone.

- T -

**Target Population.** Persons with low incomes who have one (1) or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Development Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from the institutional settings, veterans, and homeless population.

**Target Unit.** A dwelling unit within a housing development which will be reserved for sale or rent to, and affordable to, very low or low-income households or qualifying residents.

**Teen Nightclubs.** Entertainment facilities that limit attendance to persons between the ages of 13 and 20 years.

**Tentative Map.** A map made for the purpose of showing the design and improvement of a proposed subdivision and the existing conditions in and around it.

**Testing Laboratory Permit.** A permit issued to a laboratory, facility, or entity in the State that offers or performs tests of cannabis or cannabis products for medical and/or adult use that hold a valid Annual State License.

**Textile and Leather Product Manufacturing.** See “Manufacturing, heavy manufacturing.”

**Theater.** A building or part of a building devoted to showing motion pictures or dramatic dance, musical, or other live performances. See “Auditoriums, meeting halls, and theaters (land use)” and zoning district development standards (Chapter 16.24) for CN, CG, CL, and MX zoning districts.

† **Townhouses (Land Use).** A group of attached one-family dwelling units in a row of at least four (4) units, in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one (1) or more vertical common fire-resistant walls.

**Tractor-Trailer.** A heavy duty truck, usually with a large diesel engine and two (2) or three (3) axels, which is designed to haul long semi-trailers for the transportation of freight. Includes truck and trailer, transfer truck, 18-wheeler, semi, diesel, and big rig.

**Traffic Sight Area.** A triangular area formed by measuring a specified distance from the intersection of the front and street side property lines or, where applicable, from the intersection of a street property line and an on-site driveway, and connecting the lines across the property in compliance with Section 16.36.140 (Traffic sight area).

**Training Facilities.** See “Animal services.”

**Transfer Stations.** See “Recycling and waste facilities.”

**Transitional Housing.** Rental housing operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient

at some predetermined future point in time, which shall be no less than six (6) months. Transitional housing units are residential uses permitted in all zones allowing residential uses, subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone.

† **Transit Stations and Terminals (Land Use).** Passenger stations for vehicular, ferry, and rail mass transit systems; also terminal facilities providing maintenance and service for the vehicles operated in the transit system. Includes buses, taxis, railway stations, and intermodal facilities.

**Transportation Product Assembly.** See “Manufacturing, light manufacturing.”

**Tree House.** A structure typically used by children for play, which is typically constructed of wood and/or discarded materials, which uses the branches and/or trunk of a tree as primary structural elements.

† **Triplex (Land Use).** A single building for three (3) living units that are independent of each other with each one having a kitchen and direct access to the outside or to a common hall. Does not include rooming and/or boarding houses.

**Truck Terminal.** See “Vehicle and freight terminals.”

## - U -

**Unit.** See “Housing unit.”

**Urban Areas.** An area generally characterized by a greater mixture of land uses and housing types that are more pedestrian-oriented with a greater variety of travel options; single-family homes are built at a variety of densities, including higher densities over five (5) units to the acre; streets are short (300 to 600 feet in length) in a predominately grid pattern. Most development occurs on previously developed properties. In Stockton, urban areas are primarily located in one (1) of three (3) areas: 1. the central portion of Stockton; 2. south of the Calaveras River and east of I-5; or 3. north and west of Eleventh Street and Airport Way.

**Use.** The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained.

1. **Use, Primary.** The main purpose for which a site is developed and/or used, including the activities that are conducted on the site a majority of the hours during which activities occur. A site may have more than one (1) primary use.
2. **Use, Accessory.** A land use that is in addition to, secondary and incidental to, and commonly associated with the primary use, including outdoor barbecue grilling, outdoor dining, mobile vendors, etc.
3. **Use, Temporary.** A use established for a limited time with the intent to discontinue the use upon expiration of the time period.

**Use Permit.** A permit issued by a review authority stating the conditions required for a specific use at a specified location to be allowed. Also referred to as a conditional use permit. See Chapter 16.168 (Use Permits).

**Utility Lines.** See “Public and semi-public utility facilities.”

## - V -

**Variance.** A discretionary entitlement that may waive or relax the development standards of this Development Code, in compliance with Chapter 16.172 (Variances).

† **Vehicle and Freight Terminals (Land Use).** Transportation establishments furnishing services incidental to air, motor freight, and rail transportation including:

freight forwarding services	transportation arrangement services
freight terminal facilities	truck repair
joint terminal and service facilities	truck terminals
packing, crating, inspection, and weighing services	trucking facilities, including transfer and storage
postal service bulk mailing distribution centers	

Does not include automobile parking (“Auto and vehicle services—Parking facilities” and “Auto and vehicle services—Vehicle storage”); repair shops that are part of a vehicle dealership on the same site (“Auto and vehicle sales”); automobile service stations (“Auto and vehicle services—Service stations”); automobile dismantling yards (“Recycling facilities—Scrap and dismantling yards”); corp yards (“Major impact facilities”).

**Vehicle Repair and Maintenance Training.** See “Educational facilities.”

**Vehicle Storage.** See “Auto and vehicle services.”

**Very Low and Low-Income Households.** Households whose income does not exceed the very low and low-income limits applicable to the County, as published and periodically updated by the State Department of Housing and Community Development in compliance with State law (Health and Safety Code Sections 50105 and 50079.5.). This applies to both “for rent” and “or “for sale” housing.

**Vesting Tentative Map.** A map that is filed and processed in the same manner as a tentative map except as otherwise provided by Section 16.188.080 (Vesting tentative maps) or the Map Act. A vesting tentative map shall have the words “Vesting Tentative Map” printed conspicuously on its face at the time it is filed with the Department.

**Veterinary Clinics and Animal Hospitals.** See “Animal services.”

## - W -

† **Warehouse Retail Stores (Land Use).** General merchandise retail stores that emphasize the packaging and sale of products in large quantities or volumes, some at discounted prices. Sites and buildings are usually large and industrial in character. Patrons may or may not be required to pay membership fees. These stores usually offer a variety of customer services, centralized cashing, and a wide range of products. They usually maintain long store hours seven (7) days a week. Includes big box retail facilities, discount stores, club stores, membership stores, and “discount superstores”



(See Chapter 16.24). Does not include the sale or rental of motor vehicles (“Auto and vehicle sales, leasing, and rental—New”; “Auto and vehicle sales, leasing, and rental—Used”); the sale of construction and building materials (“Building materials stores”); department stores (“Retail—General”).

† **Warehouses (Land Use).** Facilities for the storage of farm products, furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include warehouse, storage or mini-storage facilities offered for rent or lease to the general public (“Personal storage facility—Mini-storage”); warehouse facilities in which the primary purpose of storage is for wholesaling and distribution (“Wholesaling and distribution”); or terminal facilities for handling freight (“Vehicle and freight terminals”).

**Water-Efficient Landscaping.** A landscape that is designed and maintained to function in a healthful and visually pleasing manner in compliance with the standards provided in this title. This generally involves the strategic use of plants which have minimal water requirements for subsistence, plants native and/or suitable to the City environment (xeriscape), and hardscape to achieve an overall landscape concept that is water conserving.

† **Wholesaling and Distribution (Land Use).** Establishments engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, or professional business users; or to other wholesalers. Sales may be conducted by auction. Also establishments acting as agents or brokers in buying merchandise for, or selling merchandise to, such persons or companies. Includes:

- agents, merchandise or commodity brokers, and commission merchants
- assemblers, buyers, and associations engaged in the cooperative marketing of farm products
- merchant wholesalers
- stores primarily selling electrical, plumbing, heating, and air conditioning supplies and equipment

Does not include bakeries (“Food and beverage product manufacturing”), laundries and dry cleaning plants (“Laundries and dry cleaning plants”).

**Wind Power Equipment.** Rotating machines that convert the kinetic energy of the wind into mechanical energy. Includes wind turbines, wind generators, windmills, wind power units (WPU), wind energy converters (WEC).

**Written Recommendation.** As defined in California Health and Safety Code Section 11362.7 et seq., and as may be amended.

- X -

**Xeriscape.** Landscape elements primarily involving drought-tolerant and low-water demand plant materials, and non-plant materials.

- Y -

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

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

**Yosemite Shopping Area.** The area zoned CG adjacent to the intersection of Yosemite and Acacia Streets.

## - Z -

**Zoning Code.** The City of Stockton Planning and Zoning Code as it existed prior to the adoption of the ordinance codified in this Development Code.

**Zoning District.** Any of the residential, commercial, industrial, special-purpose, or overlay districts established by Division 2 of this Development Code (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards), within which certain land uses are allowed or prohibited, and certain site planning and development standards are established (e.g., setbacks, height limits, site coverage requirements, etc.).

**Zoning District, Primary.** The zoning district applied to a site by the Zoning Map, to which an overlay zoning district may also be applied.

(Ord. 2019-03-05-1501 C.S. § 7; Ord. 2018-09-18-1502 C.S. § 21; Ord. 2018-05-15-1502 C.S. § III; Ord. 2016-09-27-1601 C.S. § III; Ord. 2016-06-28-1503-01 C.S. § IV; Ord. 2016-05-24-1605 C.S. § VII; Ord. 2016-04-12-1602 C.S. §§ VIII—X; Ord. 2016-01-26-1601 C.S. § 7; Ord. 2014-07-29-1601 C.S. §§ 4—6; Ord. 2014-05-20-1601 C.S. § 2; Ord. 2013-12-17-1601 C.S. § 1; Ord. 2013-07-30-1603-01 C.S. § 2; Ord. 2012-08-14-1602-02 C.S. § 1, eff. 9-13-12; Ord. 011-11 C.S. § 1, eff. 10-27-11; Ord. 013-10 C.S. § 1, eff. 9-23-10; Ord. 015-09 C.S., eff. 12-3-09; Ord. 014-09 C.S. § 5, eff. 11-5-09; Ord. 001-08 C.S. § 35; Ord. 023-07 C.S. § 135; Ord. 018-07 C.S. § 5; prior code § 16-800.020)