

ORDINANCE NO.

AN ORDINANCE AMENDING TITLE 16 OF THE STOCKTON MUNICIPAL CODE (SMC), CHAPTER 16.20 (ALLOWABLE LAND USES AND PERMIT REQUIREMENTS), SECTION 16.20.020; CHAPTER 16.80 (STANDARDS FOR SPECIFIC USES), CHAPTER 16.240 (DEFINITIONS/GLOSSARY), SECTION 16.240.020, ADDING SECTIONS 16.80.380 AND 16.80.385, RELATED TO FOOD TRUCK PARKS AND COMMISSARIES

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

SECTION I. FINDINGS AND INTENT

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

- a. **Finding #1**: The proposed amendment ensures and maintains internal consistency with general land uses, objectives, policies, programs, and actions of all elements of the General Plan on balance and would not create any inconsistencies with this Development Code.

Evidence #1: The proposed amendments are consistent with the State Law (i.e., California Health and Safety Code) and the San Joaquin County Environmental Health Department and adhere to the City of Stockton's General Plan policies. The changes amend the Development Code to include the Food Truck Park, Food Truck Park/Commissary Co-location, and Commissary as new land uses and include standards of operations for each land use on private property. These amendments are internally consistent with all policy and supportive regulatory documents.

- b. **Finding #2**: The proposed amendment will not endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the City.

Evidence: The purpose of the proposed amendments is to comply with the provisions of State Law, the San Joaquin County Environmental Health Department, and maintain consistency with the General Plan. All Food Truck Park, Food Truck Park/Commissary Co-location, and Commissary developments will need to comply with all applicable Zoning and development standards and all building and fire regulations for health and safety. In addition, Food Truck Park, Food Truck Park/Commissary Co-location, and Commissary, and developments must comply with all applicable State Laws (i.e., California Health and Safety Code) and the San Joaquin County Environmental Health Department

requirements before becoming operational. Therefore, the proposed amendments will not be detrimental to the public interest, health, safety, convenience, or otherwise constitute a hazard to the welfare of the City.

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

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

In addition, section 16.212.030(B)(2) of the Stockton Municipal Code (SMC) requires the following Findings of Fact be made for Development Code Amendments.

- d. **Finding #4: Additional Finding for Development Code Amendments.** The proposed amendment would be internally consistent with other applicable provisions of this Development Code.

Evidence: The changes amend the Development Code to include the Food Truck Park, Food Truck Park/Commissary Co-location, and Commissary as a new land use, including standards for operation on private property. These amendments are internally consistent with all policy and supportive regulatory documents, including the entitlement process, routing and review procedures, and public noticing requirements.

SECTION II. AMENDMENT OF CODE

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

16.20.020 Allowable land uses and permit requirements.

- A. **Requirements for Primary Uses.** Table 2-2 identifies the primary land uses for each zoning district, except the MX and UC zoning districts. It identifies whether the use is allowed or not allowed, and indicates which land use permit would be required, if necessary, to authorize the use. Building permits or other permits may

also be required by the Municipal Code. The land uses identified in Table 2-2 are defined in Division 8 (Glossary).

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

a. **Permitted (P).** All land uses shown with a “P” in the table are allowed subject to compliance with all applicable provisions of this Development Code. Site plan review (Chapter 16.152) is required for new construction or for a change to a more intensive use, except as provided by Section 16.152.040 (Exemptions).

b. **Land Development Permit (L).** All land uses shown as “L” in the table that require construction of new structures or improvements, the expansion of an existing facility, or a change to a more intensive use, as determined by the Director, require the approval of a land development permit (Chapter 16.136). If there will be no construction, expansion of an existing facility, or a change to a more intensive use, the use is allowed without a new land development permit.

c. **Administrative Use Permit (A).** All land uses shown with an “A” in the tables are allowed subject to the approval of an administrative use permit (Chapter 16.172). If there is an existing use permit for the use and there will be no new construction or expansion of an existing facility, no new use permit shall be required.

d. **Commission Use Permit (C).** All land uses shown with a “C” in the tables are allowed subject to the approval of a commission use permit (Chapter 16.172). If there is an existing use permit for the use and there will be no new construction or expansion of an existing facility, no new use permit shall be required.

e. **Not Allowed (Empty Box in Table).** All land uses shown with an empty box in the table are not allowed in the applicable zoning district.

f. **Not Allowed, Except Under Special Circumstances (E).** All land uses shown with an “E” on the table are not allowed in the applicable zoning district, except under the special circumstances identified in the specific use standards in Division 3.

2. **Uses With Specific Standards.** All uses, regardless of the type of permit that may be required, shall comply with all applicable provisions of this Development Code. In addition, if there is a section number in the last column of the table (“Specific Use Standards”), the use is also subject to the referenced provisions.

3. **Multiple Uses on a Single Site.** Where a proposed project includes multiple land uses, and more than one type of land use permit is required, the most restrictive land use permit shall apply for all land uses.

4. **Changes to an Approved Project.** Changes to an approved project that required a land use permit shall be subject to the requirements of Chapter 16.104 (Changes to an Approved Project).

5. **Uses Not Listed.** Land uses that are not listed in Table 2-2 are not allowed, except as otherwise provided by Section 16.08.020(E) (Rules of interpretation—Allowable uses of land).

B. **Allowable Uses and Permit Requirements for the MX, UC and PT Districts.** The uses of land that may be allowed within the MX, UC and PT zoning districts and the land use permit requirements for each allowable use shall be identified in the master development plan applicable to the specific site, in compliance with Chapter 16.140 (Master Development Plans) and the Rough and Ready Island Development Plan for the Port of Stockton, CA for the PT zoning district (as applicable).

C. **Overlay Zoning Districts.** Development located in overlay zoning districts (Aircraft Operations Overlay District, Design Review Overlay District, Channel Area Overlay District, Magnolia Historic Overlay District, and Commercial-Industrial Overlay District) shall be in compliance with Chapter 16.28 (Overlay Zoning District Land Use and Development Standards).

D. **Accessory Uses.** Accessory land uses are subject to the requirements of Section 16.80.020 (Accessory uses and structures).

E. **Temporary Uses.** Temporary uses are subject to the requirements of Chapter 16.164 (Temporary Activity Permits).

F. **Freeway and Highway Oriented Uses.** The following uses, when both located within 1,000 feet of Interstate 5, State Highway Route 4, or State Highway Route 99 and allowable through a Land Development Permit, Administrative Use Permit, or Commission Use Permit, shall be considered a Permitted (P) use unless within the Downtown Core area:

1. Auto/Vehicle Services: Car Washes; and
2. Auto/Vehicle Services: Fueling Stations.

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

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

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

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT														SPECIFIC USE STANDARDS		
Cannabis cultivation												C	C	C		C	16.80.195
Community gardens	P	P	P	P	P	P	P	P	P	P	P	P	P		L	P	16.80.130
Conservation areas	L	L	L	L	L		L	L	L	L	L	L	L	L	L	L	
Market gardens/urban farms	L	A	A	A	P	P	P	P	P			P	P			P	16.80.135
Mining												A	A	A	A		
Urban agriculture	P	P	P	P	P	P	P	P	P			P	P			P	16.80.350

BUSINESS AND PROFESSIONAL USES

	R	R	R	R	C	C	C	C	C	C	IL	I	P	P	O		
	E	L	M	H	O	N	G	D	L	A		G	T	F	S		
Banks and financial services					P	P	P	P	P	P				P			
Business support services						P	P	P	P	P			P	P			
Offices					P	A	P	P	P	P	A	A	P	L			16.80.240

INDUSTRY, MANUFACTURING & PROCESSING USES

	R	R	R	R	C	C	C	C	C	C	IL	I	P	P	O		
	E	L	M	H	O	N	G	D	L	A		G	T	F	S		
Artisan Food and Beverage							A	P	A		P	P	P				16.80.170
Electricity generating plants/facilities other than nuclear												C	C	P	P		16.80.170
Electronics, equipment & appliance manufacturing												P	P	P			16.80.170

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT														SPECIFIC USE STANDARDS		
Fabric product manufacturing								P				P	P	P			16.80.170
Food and beverage product manufacturing								C				P	P	P			16.80.170
Furniture and fixtures manufacturing												P	P	P			16.80.170
Handcraft industries, 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
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

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT													SPECIFIC USE STANDARDS			
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
Research & development (R&D)								A		L	P	P	P	L			16.80.170
Storage yards											P	P	P	L			16.80.170
Warehouses											P	P	P				16.80.170
Wholesaling and distribution								P			P	P	P				16.80.170

RECREATION, EDUCATION, AND PUBLIC ASSEMBLY USES

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT														SPECIFIC USE STANDARDS	
Private																
Vocational and technical schools					P	P	P	P	P	P	P					
Equipment repair and maintenance training							P	P		A	P			L		
Specialized education and training					A	A	P	P	P	A	P		P	L		
Vehicle repair and maintenance training										A	P	P	P	L		
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					P	A	A	A	A	A	A		P	L		
Libraries and museums		C	C	C	P	P	P	P	P	P	P			L	A	

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT														SPECIFIC USE STANDARDS	
Live entertainment					A	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		
Parks and playgrounds	P	P	P	P	P	P	P	P						P	P	
Pool halls/billiard parlors							C	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				A	P	P	P	P	P	L	C					

RESIDENTIAL USES

	R E	R L	R M	R H	C O	C N	C G	C D	C L	C A	IL	I G	P T	P F	O S	
Accessory dwelling units (ADUs) and junior accessory dwelling	P	P	P	P	P	P	P	P	P	P				P		16.80.310

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT														SPECIFIC USE STANDARDS		
units (JADUs)																	
Caretaker and employee housing	A				P	P	P	P	P	P	P	P	L	L	L	L	
Cottage Court		C	P	P		P		P							L		16.80.215
Duplexes		P	P	P				P							L		16.80.215
Mobile home parks		A	A	A				A	A								16.80.210
Multifamily dwellings			P	P	P	P	P	P	C						L		16.80.220
Co-living (dwelling unit facility)				A	A	A	A	A									16.80.225
Organizational houses				A		A	A	A									
Residential care facilities																	
Assisted living facilities	A		C	P	P	P	P	P							L		16.80.300
Care homes, 6 or fewer clients		P	P	P				P							P		
Family care homes, 7 or more clients	C			C				C							L		16.80.300
Senior care facilities, 7 or more clients			A	A	A			A							L		16.80.300

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT														SPECIFIC USE STANDARDS
Rooming and boarding houses				A				A						L	
Senior residential projects			P	P	P	P	P	P	P					L	16.80.220
Single-family dwellings	P	P	P	P										L	
Townhouses		A	P	P	P	P	P	P						L	16.80.215
Triplexes			P	P		P		A						L	16.80.215
Fourplexes			P	P		P		A							16.80.215

RETAIL TRADE

	R E	R L	R M	R H	C O	C N	C G	C D	C L	C A	IL	I G	P T	P F	O S	
Agricultural chemical sales											A	L	P			16.36.080
Alcoholic beverage sales																
Bars and nightclubs—On-sale						C	C	C	C							16.80.270
Sale of alcohol—Off-sale						C	C	C	C				C	C		16.80.040
With another use—On-sale						L	L	L	L				L	L		
Artisan shops					P	P	P	P	P	L	P					
Auto and vehicle sales—New							L	C	L	P						16.24.120 16.80.070 16.80.330

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT													SPECIFIC USE STANDARDS	
Auto and vehicle sales—Used							L			A	L				16.24.120 16.80.070 16.80.330
Auto and vehicle leasing/rental							A	C		A	L				16.80.070
Auto parts sales						P	P	P	P	A					
Building material stores						A	P	L	P		P				16.80.330
Construction, farm & heavy equipment sales							A			A	P	P	P		16.80.330
Convenience stores						C	C	C	C						16.80.040 16.80.140 16.80.270
Food Truck Park															
Food Truck Pod						L	L	L	L				L		16.80.380
Food Truck Hub						A	A	A	A				A		16.80.380
Food Truck Plaza						C	C	C	C				C		16.80.380
Food Truck Park/Commissary Co-Location							C	C	C	C	C		C		16.80.380
Furniture, furnishings, and appliance stores						C	P	P	P	P	P				16.80.330
Mobile home sales										A	P				16.80.330

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT														SPECIFIC USE STANDARDS		
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	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

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT														SPECIFIC USE STANDARDS	
Large family child care homes	P	P	P	P	P	P	P	P						P	16.80.100	
Small family child care homes	P	P	P	P	P	P	P	P						P		
Commissary										A	A	A	A		16.80.385	
Equipment rental								L	P	A	P		P			
Funeral facilities and services															16.80.165	
Cemeteries		C	C	C	C		C	C		C	C	C		C	C	
Mortuaries							C	C		C	A	A		A		
Funeral homes					A	A	A	A		A						
Crematorium							C	C		C	A	A		A		
Health/fitness facilities						P	P	P	P	L						
Lodging facilities																
Bed and breakfast		C	C	C	P	P	P	P						A		16.80.090
Extended-stay facilities							P	P	P							
Hotels and motels					P		P	P	P					P		
Massage establishment																16.80.190
State certified					P	P	P	P	P							

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT														SPECIFIC USE STANDARDS		
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		
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					

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT													SPECIFIC USE STANDARDS		
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

	R E	R L	R M	R H	C O	C N	C G	C D	C L	C A	IL	I G	P T	P F	O S	
Broadcasting studios						P	P	P	P	A	P	P	P	L		
Communications facilities																
Minor		E	E	E	P		P	P	P	P	P	P	P	P	P	Ch. 16.44
Major					A		A	A	A	A	A	P	P	A		Ch. 16.44
Transit stations and terminals							C	C			C	C	P	C		
Vehicle and freight terminals											P	P	P			

OTHER USES

	R E	R L	R M	R H	C O	C N	C G	C D	C L	C A	IL	I G	P T	P F	O S	
Live-work space				P	P	P	P	P	P		P					

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT													SPECIFIC USE STANDARDS			
Major impact facilities												C	C	C			
Motion picture production								P				P	P	P			
Multi-use facilities				A	P	P	P	P	P			A	A	P	16.80.230		
Public and semipublic 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 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.

SECTION III. AMENDMENT OF CODE

Title 16, Chapter 16.80, Section 16.80.380 is hereby added to the Stockton Municipal Code, as follows:

16.80.380 Food Truck Parks.

This section provides standards for development and operation of all Food Truck Parks on private property. All Food Truck Parks shall be allowed in zoning districts identified in Table 2-2 of Stockton Municipal Code Section 16.20.020 and shall comply with the standards in this section as well as the standards laid out in Chapters 16.24 and 16.28.

A. Purpose and Application.

The general purpose of this section is to ensure the safe and sanitary operation of Food Truck Parks; to enforce rules consistent with California Health and Safety Code and San Joaquin County Environmental Health Department; to establish rules and regulations for the use of private property to maintain and operate the Food Truck Park under which permits shall remain in compliance, be suspended, or revoked, and provide penalties for violations thereof.

Compliance determination will encompass all the provisions set forth in this section, including, but not limited to, site plan, parking availability, traffic movement, aesthetics, zoning, setbacks, environmental requirements, and conformity with the City’s General Plan.

B. Food Truck Park Permitting Requirements.

The following provides permit requirements for using private property to maintain and operate Food Truck Parks.

1. All Food Truck Parks shall comply with the following applicable land use requirements:

Number of Motorized Food Wagons on property		Duration of Operations		
		One time event held over seven (7) consecutive days or less within a calendar year per parcel.	Recurring event held on three or fewer days per week.	Permanent (Seven (7) days a week)
Food Truck Pod	Two (2) to Five (5)	Temporary Activity Permit (TAP)	Land Development Permit (LDP)	Land Development Permit (LDP)
Food Truck Hub	Six (6) to Ten (10)	Temporary Activity Permit (TAP)	Administrative Use Permit (AUP)	Administrative Use Permit (AUP)

Food Truck Plaza	Eleven (11) or more	Temporary Activity Permit (TAP)	Commission Use Permit (CUP)	Commission Use Permit (CUP)
Food Truck Park/Commisary Co-locations	-	Commission Use Permit (CUP)	Commission Use Permit (CUP)	Commission Use Permit (CUP)

2. All construction must comply with the current building code and follow applicable building permit process.
3. All Food Truck Parks shall obtain the necessary City Fire permits required for operation specified in California Fire Code, including, but not limited to, an Operational Fire Permit.

C. Development and Operation Standards. The following development standards apply to all Food Truck Parks.

1. Food Truck Park Area Requirements.

- a. Minimum gross area shall be 5,000 square feet.
- b. Minimum number of Motorized Food Wagons at the Food Truck Park shall be two (2).

2. Motorized Food Wagon Area and Setback Requirements.

- a. The use and storage of LP-gas at the site are regulated pursuant to the California Fire Code (CFC), Chapter 61, and the National Protection Association. Requirements shall include, but are not limited to, the following:
 - i. Motorized Food Wagons shall be set back a minimum of 10 feet from all property lines.
 - ii. Motorized Food Wagons shall be located a minimum of 10 feet from any other Motorized Food Wagon.
 - iii. Motorized Food Wagons shall be located a minimum of 10 feet from any other structures on the site.

3. Site Improvements (Surfacing).

- a. Parking spaces, driveways, maneuvering aisles and turnaround areas shall be paved in accordance with Stockton Municipal Code Section 16.64.030(D).

4. Off-Street Parking Requirements.

- a. Food Truck Park off-street parking requirements shall comply with Chapter 16.64 Off-Street Parking Standards of the Stockton Municipal Code.

- i. Off-street parking shall be provided at the ratio of three (3) parking spaces per maximum number of Motorized Food Wagons permitted on-site (exclusive of spaces provided for Motorized Food Wagon).

5. Fencing.

- a. If perimeter fencing is installed, it shall comply with Chapter 16.48 of the Stockton Municipal Code. Gates for Motorized Food Wagons and for pedestrian access are required to be unlocked during operating hours.

6. Access.

- a. Ingress and egress are required pursuant to Stockton Municipal Code Section 16.36.030. Adequate vehicular and pedestrian circulation is required.

7. Landscaping.

- a. Landscaping is required pursuant to Stockton Municipal Code Chapter 16.56 Landscaping Standards, and Chapter 16.64 Off-Street Parking and Loading Standards.

8. Solid waste/Recyclable Materials Storage.

- a. Solid Waste/Recyclable Materials Storage is pursuant to Stockton Municipal Code Section 16.36.130.
- a. Size of the solid waste/recyclable storage shall be determined by Table 3-2 in Section 16.36.130, based upon the gross square footage of the Food Truck Park and Food Truck Park/Commissary Co-location property.

9. Discharge of Wastewater, Gray Water and Fats, Oils, and Grease (FOG).

- a. Motorized Food Wagons are prohibited from draining or spilling of wastewater, gray water and/or fats, oils, and grease into the storm drain system or on the ground.
- b. Discharge of fats, oils, and grease to the sanitary sewer is pursuant to Stockton Municipal Code Chapter 13.40.

10. Maintenance/Cleanup.

- a. Property Maintenance is required pursuant to Chapter 8.36 Property Maintenance of the Stockton Municipal Code.

11. Lighting.

- a. Lighting fixtures shall be installed to ensure user safety. Lighting fixtures shall be permanent and shall be consistent with the Stockton Municipal Code Section 16.32.070.

12. Seating.

- a. Seating (eating area) is required for Food Truck Hubs, Food Truck Plazas, and Food Truck Park/Commissary Co-locations at the rate of three (3) seats per Motorized Food Wagon. Seating is not required for Food Truck Pods.
- b. Provided seating must be arranged or situated so that it does not create a hazard to pedestrians or encroach on a required building exit, vehicle travel lane, driveway, or any public street.
- c. A minimum of four (4) feet of clearance must be provided around any tree, newsstand, bike rack, planter, trash receptacle, etc.
- d. Seating area must be maintained in a manner such that it does not create an unsightly appearance.

13. Restroom Facilities. All Food Truck Parks and Food Truck Park/Commissary Co-locations must provide permanent on-site restrooms for both the Food Truck Park vendors and patrons.

- a. A minimum of one (1) restroom facility shall be provided which is ADA accessible for Food Truck Parks up to 10 trucks.
- a. At least one (1) additional restroom facility shall be provided for Food Truck Parks with eleven (11) or more trucks.
- b. Restrooms shall have, at a minimum, handwashing facilities with warm water (minimum 100°F), pump dispensed liquid hand soap and single-use towels in dispensers or other approved hand drying devices.

14. Pedestrian Protections.

- a. Accessibility routes must be provided and maintained as required by the California Building Code.
- b. Path of travel and seating/eating area requires permanent affixed pedestrian protections.

15. Alcohol Sales.

- a. Alcohol sales shall not occur from Motorized Food Wagons.
- b. Food Truck Park or Food Truck Park/Commissary Co-location owners/operators may apply for an on-sale alcoholic beverage sales establishment in accordance with Stockton Municipal Code Section 16.80.040.

16. Truck Storage.

- a. Motorized Food Wagons shall not be stored at the Food Truck Park and must return to their Commissary daily, with exception of the Food Truck Park/Commissary Co-locations as defined in Stockton Municipal Code Section 16.80.380(F).

17. Live Entertainment.

- a. Live Entertainment is allowed consistent with the Live Entertainment regulations consistent with Stockton Municipal Code Section 16.80.180.
- b. A dedicated performance and viewing area are required for Live Entertainment.

18. Utilities.

- a. Electric outlet hookups are required to be installed for each Motorized Food Wagon parking space and must be used while the Motorized Food Wagon is on the premises. No generators shall be utilized in the Food Truck Park or Food Truck Park/Commissary Co-location.
- b. Permanent potable water hookup sources are required to be installed for each Motorized Food Wagon parking space and must be used while the truck is on the premises. Potable water hookup is not required for Food Truck Pods.

19. Noise.

- a. Food Truck Park and Food Truck Park/Commissary Co-location noise shall comply with Stockton Municipal Code Chapter 16.60.

20. Signage.

- a. Food Truck Park and Food Truck Park/Commissary Co-location signage shall comply with Stockton Municipal Code Chapter 16.76 Signs of the Stockton Municipal Code.

21. Operating Hours.

- a. Food Truck Park and Food Truck Park/Commissary Co-location hours of operation shall not be earlier than 7:00 AM, or later than 10:00 PM.

22. Operator Responsibility for Motorized Food Wagon Compliance

- a. The property owner or property owner's authorized agent is responsible to ensure that all Motorized Food Wagons and vendors operating at the Food Truck Park have obtained the necessary San Joaquin County Environmental Health Permit, and Stockton Business Licenses for the Motorized Food Wagons and their staff.

D. Food Truck Parks (Occurring 3 or fewer days per week) at a set location.

- 1. **Location.** Recurring Food Truck Parks that are the primary use of a site shall comply with all the provisions of above standards (16.80.380(C)). Recurring Food Truck Parks that are located on a site where the Food Truck Park is not the primary use of the site shall comply with the following provisions:
 - a. **Siting**

- i. Temporary Fencing, bollards, or similar barriers shall be required to delineate the Recurring Food Truck Park site.

b. Landscaping

- i. Landscaping may be installed but is not required.

c. Solid Waste

- i. Dumpsters and trash enclosures may be provided but are not required.

d. Lighting

- i. Temporary lighting may be provided in lieu of permanent lighting.

e. Utilities

- i. If electric outlet hookups are not available, the use of generators is permissible.

f. Restrooms

- i. A minimum of one (1) restroom providing hot water (100 F/ 37.7 C), which is also ADA accessible, shall be provided.
- ii. Portable restroom facilities must be serviced during non-business hours.

g. Pedestrian Protections

- i. Temporary Pedestrian Protections shall be provided.

h. Seating

- i. Seating may be provided at the discretion of the operators.

i. Utility Hookups

- i. Electric Outlet hookups for temporary food truck parks are not required.

E. Temporary Food Park Truck Event (One-Time Event occurring 7 or less days per calendar year)

1. Temporary Food Park Truck Events must comply with all the provisions with above standards (16.80.380(D)).
2. A Temporary Food Truck Park Event requires a Temporary Activity Permit.
3. **Restrooms.**
 - a. A minimum of one (1) restroom providing hot water (100 F/ 37.7 C), which is also ADA accessible, shall be provided.
 - b. Portable restroom facilities must be serviced during non-business hours.

F. Food Truck Park/Commissary Co-locations Permitting General Development Standards.

1. All Food Truck Park/Commissary Co-locations shall provide Commissary services (per Stockton Municipal Code Section 16.80.385) to Motorized Food Wagons that permanently reside at the site. Non-resident Motorized Food

- Wagons shall not receive Commissary services from the Food Truck Park/Commissary Co-location.
2. All Food Truck Park/Commissary Co-locations shall be subject to all the provisions set forth in this Section (16.80.380(C)) and 16.80.385 (Commissary), with the exception outlined below.
 - a. **Food Truck Park/Commissary Co-location Area Requirements.**
 - i. Minimum gross area shall be 10,000 square feet.
 - ii. Minimum number of Motorized Food Wagons serviced at the Food Truck Park/Commissary Co-location shall be two (2).
 - b. **Off-Street Parking Requirements.**
 - i. Off-street parking spaces shall be provided at a rate of five (5) spaces per motorized food wagon, two (2) for Motorized Food Wagon workers and three (3) for Motorized Food Wagon patrons.
 - c. **Hours of Operations.**
 - i. The Food Truck Park/Commissary Co-location hours of operation shall not be earlier than 7:00 AM, or later than 10:00 PM.
 - d. **Fencing.**
 - i. Perimeter fencing shall be installed and shall comply with Chapter 16.48 for the Stockton Municipal Code. Gates for motorized food wagons and for pedestrian access are required to be unlocked during operating hours.
 3. In the event of conflicting regulations between the respective provisions of this Section (16.80.380(C)) or 16.80.385 (Commissary), the more restrictive of the two will take precedence as defined in Stockton Municipal Code 16.08.020(D)(3).

SECTION IV. AMENDMENT OF CODE

Title 16, Chapter 16.80, Section 16.80.385 is hereby added to the Stockton Municipal Code, as follows:

16.80.385 Commissary.

This section provides standards for development and operation of all Commissaries on private property. All Commissaries shall be allowed in zoning districts identified in Table 2-2 of Stockton Municipal Code Section 16.20.020 and shall comply with the standards in this section as well as the standards as laid out in Chapters 16.24 and 16.28.

A Purpose and Application.

The general purpose of this section is to ensure the safe and sanitary operation of Commissaries; to enforce rules consistent with California Health and Safety Code and San Joaquin County Environmental Health Department; to establish rules and regulations for the use of private property to maintain and operate Commissaries under which permits shall remain in compliance, be suspended, or revoked, and provide penalties for violations thereof.

Compliance determination will encompass all the provisions set forth in this section, including, but not limited to, site plan, parking availability, traffic movement, aesthetics, zoning, setbacks, environmental requirements, and conformity with the City's General Plan.

B General Commissary Operational Standards. The following provisions outline operational standards of a Commissary.

1. Required Functions. A Commissary shall meet all the applicable requirements as defined by the California Health and Safety Code and the San Joaquin County Environmental Health Department to accommodate all operations necessary to support Motorized Food Wagons or Mobile Commissaries. Applicable requirements shall include, but are not limited to, the following:

- a. Sanitary disposal of liquid wastewater (grease interceptors)
- b. Proper handling and disposal of garbage and refuse (solid) waste (grease containers)
- c. Permanent potable water sources (faucets) shall be installed per Motorized Food Wagon parking spot
- d. Hot and cold water for cleaning
- e. A safe and secure space to store Motorized Food Wagons, food, utensils, and supplies
- f. Servicing areas at commissaries shall be provided with overhead protection, except areas used only for the loading of water or the discharge of sewage and other liquid waste through the use of a closed system of hoses need not be provided with overhead protection
- g. Servicing area used for vehicle washing/cleaning shall be sloped and drained to an approved wastewater system (sand/oil separator)
- h. Permanent electric power connections shall be installed per Motorized Food Wagon parking spot
- i. Restrooms (minimum 100°F)

2. Optional Functions. A Commissary may provide the following services to support Motorized Food Wagons:

- a. Refrigeration space
- b. Dry storage space
- c. Food service equipment repair maintenance

- d. Three Compartment Sink (required if food preparation space will be provided)
- e. Propane (LP-Gas) services (The use and storage LP-Gas is regulated pursuant to the California Fire Code (CFC), Chapter 61, and the National Fire Protection Association – Standard 58)

C Commissary Permitting Requirements.

- 1. All Commissaries shall comply with acceptable land use entitlement requirements outlined in this section.
 - a. The property line containing a Commissary shall not be adjacent to residential zoning or located within 30 feet of a building containing a residential use.
- 2. All construction must comply with the current building code and follow the applicable building permit process.
- 3. All Commissaries shall obtain all necessary approvals from the San Joaquin County Environmental Health Department.
- 4. All Commissaries shall obtain the necessary City's fire permits required for operation specified in California Fire Code, including, but not limited to, an Operational Fire Permit.
- 5. No Commissary shall be utilized for any other purpose than their intended use, with exception of the Food Truck Park/Commissary Co-locations as defined in Stockton Municipal Code Section 16.80.380(F).

D Commissary Development Standards. The following development standards apply to all Commissaries.

1. Motorized Food Wagon Parking Area and Setback Requirements.

- a. Setback requirements for Motorized Food Wagon parking are pursuant to California Fire Code, including, but not limited to, maintaining a 10 feet noncombustible space around Motorized Food Wagons.

2. Commissary Area Requirements.

- b. Minimum gross area shall be 10,000 square feet.
- c. Minimum number of Motorized Food Wagons serviced at the Commissary shall be two (2).

3. Enclosed Use Requirements. Commissaries located in IL (industrial, limited) zoning district are pursuant to Stockton Municipal Code 16.24.130.

4. Surfacing.

- a. Parking spaces, driveways, maneuvering aisles and turnaround areas shall be paved in accordance with Stockton Municipal Code Section 16.64.30(D).

5. Off-Street Parking Requirements.

- a. Commissary off-street parking requirements shall comply with Chapter 16.64 Off-Street Parking Standards of the Stockton Municipal Code.
 - i. Off street parking for Commissary Staff shall be provided at the minimum ratio of 1 parking space per 250 square feet of indoor gross floor area, with exception of a Food Truck Park/Commissary Co-location as defined in Stockton Municipal Code Section 16.80.380(F).
 - ii. Off street parking for Motorized Food Wagon Vendors shall be provided at the rate of two (2) parking spaces per Motorized Food Wagon, with exception of the Food Truck Park/Commissary Co-locations as defined in Stockton Municipal Code Section 16.80.380(F).
 - 1. One parking space requirement may be met through the Motorized Food Wagon parking space.

6. LP-Gas (Liquid Petroleum).

- a. The use and storage LP-Gas is regulated pursuant to the California Fire Code (CFC), Chapter 61, and the National Fire Protection Association – Standard 58.

7. Fencing.

- a. Perimeter fencing shall be installed and shall comply with Chapter 16.48 for the Stockton Municipal Code. Gates for motorized food wagons and for pedestrian access are required to be unlocked during operating hours.

8. Access.

- a. Ingress and egress are required pursuant to Stockton Municipal Code Section 16.36.030. Adequate vehicular and pedestrian circulation is required.

9. Landscaping.

- a. Landscaping is required pursuant to Chapter 16.56 Landscaping Standards and Chapter 16.64 Off-Street Parking and Loading Standards of the Stockton Municipal Code.

10. Solid waste/Recyclable Materials Storage.

- a. Solid Waste/Recyclable Materials Storage is pursuant to Stockton Municipal Code Section 16.36.130.
- b. Size of the solid waste/recyclable storage shall be determined by Table 3-2 in Section 16.36.130, based upon the gross square footage of the Commissary property.

11. Discharge of Wastewater, Gray Water and Fats, Oils, and Grease (FOG).

- a. Commissaries and Motorized Food Wagons are prohibited from draining or spilling of wastewater, gray water and/or fats, oils, and grease into the storm drain system or on the ground.
- b. Discharge of fats, oils, and grease to the sanitary sewer is pursuant to Stockton Municipal Code Chapter 13.40.
- c. **Minimum standards.** A Commissary shall meet the following requirements to accommodate the operational needs of Motorized Food Wagons.
 1. Installation of a grease interceptor with regular maintenance and pumping. Grease interceptor requirements are pursuant to Stockton Municipal Code Section 13.40.100.
 2. Yellow grease receptacles and routine hauling is required.

12. Property Maintenance/Cleanup.

- a. Property Maintenance is required pursuant to Chapter 8.36 Property Maintenance of the Stockton Municipal Code.

13. Lighting.

- a. Adequate lighting shall be installed to ensure user safety. Lighting fixtures shall be permanent and shall be consistent with the Stockton Municipal Code Section 16.32.070.

14. Utilities.

- a. Permanent electric outlet hookups and potable water connections shall be installed for each Motorized Food Wagon parking space.

15. Noise.

- a. Commissary noise shall comply with Chapter 16.60 Noise Standards of the Stockton Municipal Code.

16. Signage.

- a. Commissary signage shall comply with Chapter 16.76 Sign Standards of the Stockton Municipal Code.

SECTION V. AMENDMENT OF CODE

Title 16, Chapter 16.240, Section 16.240.020 of the Stockton Municipal Code is amended to include the following definitions and revision:

† **Commissary (Land Use).** An establishment where food, containers, equipment, or supplies are stored, handled, prepared, or prepackaged for use in Motorized Food Wagons.

Commissary Kitchen. A retail or non-retail, food establishment devoted to the commercial preparation, production, and cooking of food and beverages for on or off-site consumption.

Cottage Food Operations. A home-based business that can prepare and package non-potentially hazardous foods in a private home kitchen and has received a Cottage Food License from San Joaquin County Environmental Health.

† **Food Truck Park (Land Use).** A permanent open-air facility that is designed to accommodate two (2) or more operating Motorized Food Wagons to offer food or beverages for sale to the public located on a developed lot or parcel(s). The Food Truck Park is strictly for the sale of foods or beverages. The scale of uses that encompass the Food Truck Park include, Food Truck Pod, Food Truck Hub, and Food Truck Plaza.

1. **Food Truck Pod (Land Use).** A permanent open-air facility that is designed to accommodate two (2) to five (5) operating Motorized Food Wagons to offer food or beverages for sale to the public located on a developed lot or parcel(s).
2. **Food Truck Hub (Land Use).** A permanent open-air facility that is designed to accommodate six (6) to ten (10) or more operating Motorized Food Wagons to offer food or beverages for sale to the public located on a developed lot or parcel(s).
3. **Food Truck Plaza (Land Use).** A permanent open-air facility that is designed to accommodate eleven (11) or more operating Motorized Food Wagons to offer food or beverages for sale to the public located on a developed lot or parcel(s).

† **Food Truck Park/Commissary Co-location (Land Use).** A land use intended to accommodate Motorized Food Wagons that offer food or beverages for sale to the public and provide the required Commissary services to those Motorized Food Wagons residing at the site.

Ice Cream Commissary. An establishment that services only ice cream Motorized Food Wagons or other vendors that sell ice cream.

Mobile Commissary. Any vehicle used in conjunction with the Commissary, as defined per Stockton Municipal Code Section 16.80.385, that travels to, and services, Motorized Food Wagons as needed to replenish supplies, including food and potable water, clean the interior of the unit, or dispose of liquid or solid wastes.

Motorized Food Wagon. Any vehicle as defined in Section 670 of the California Vehicle Code, which is equipped and used for retail sales of prepared; pre-packaged; or unprepared, unpackaged food or foodstuffs of any kind on any public street, alley, highway, or private street, alley, or property within the City. For the purposes of this chapter, a motorized food wagon shall also include any trailer or wagon pulled by a vehicle.

SECTION VI. SEVERABILITY

If any of this ordinance or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of the act which can be given without the invalid provision or application, and to this end the provisions of this act are severable.

SECTION VII. EFFECTIVE DATE

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

ADOPTED: _____

EFFECTIVE: _____

KEVIN J. LINCOLN II
Mayor of the City of Stockton

ATTEST:

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