AGENDA ITEM G-1

CITY OF LODI
COUNCIL COMMUNICATION

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AGENDA TITLE: Public Hearing to Consider the Certification of the Final Negative Declaration, Adoption of the Lodi Land Use Development Code, and Draft Zoning Map

MEETING DATE: February 6, 2013

PREPARED BY: Community Development Department

RECOMMENDED ACTION: Public hearing to consider the certification of the Final Negative Declaration, adoption of the Lodi Land Use Development Code, and Draft Zoning Map

BACKGROUND INFORMATION: The City of Lodi adopted the current zoning ordinance in 1956. Since adoption, numerous text amendments have occurred in response to changing development patterns and concerns. However, the core elements of the 1956 document have remained intact. When the zoning ordinance was first adopted, the City was less than its current size and most development applications consisted of large tracts of land with hundreds of residential units. Today, the City is largely being developed with the majority of land use applications proposing smaller residential subdivisions or more modest commercial and industrial development.

On September 7, 2011, the City Council authorized the release of a Request for Proposals (RFP) for the update and implementation of the Development Code, which is intended to complete a process that began in 1999. The process was halted twice in the past mostly due to staffing and budgeting concerns. In December 2011, the City entered into a Professional Services Agreement with Raney Planning and Management, Inc., of Sacramento to facilitate a comprehensive Development Code Update. The City has been working with Raney Planning and Management on updating the current Zoning ordinance.

On July 11, 2012, a Draft Land Use and Development Code was released for public review. The Planning Commission held three sessions (July 11, August 8, and September 12, 2012) to review the Draft Land Use and Development Code. The Draft Development Code was distributed to the Planning Commission in three segments. The first at the July 7th meeting included the introduction, residential districts and mixed use zoning districts. The August 8th meeting focused on the commercial and industrial districts. At the August 15th meeting, staff presented landscape ordinance, parking and sign standards, and standards for specific land uses such as child daycare facilities, recycling facilities, telecommunication facilities, etc. The entire Development Code document, as described, has been made available on the City's website with notification being made to both newspaper and the email list of interested parties.

At the Planning Commission Meeting of October 10, 2012, the Commission reviewed the document in its entirety, including the draft zoning map and the associated negative declaration prepared. After the Commission completed its review of the proposed Draft Development Code, Commission adopted

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APPROVED: _____
Konradt Bartlam, City Manager

a resolution recommending the City Council approve the Draft Development Code, Draft Zoning Map and Negative Declaration.

ANALYSIS

To facilitate discussion on the Development Code, staff has divided the draft Development Code into three categories: A) residential and mixed-use zoning districts; B) commercial and industrial districts; C) landscaping, parking, sign and other specific uses such as childcare centers, home occupation permits, residential density bonus, et cetera.

A. Residential and Mixed-Use Zoning Districts

The current zoning ordinance contains four different single-family (low density) residential districts: R-1 (Single-Family Residential), R-2 (Single-Family Residential), RE-1 (Single-Family Residential, Eastside) R-LD (Residential Low Density). The zoning designation numbers do not correlate with how many dwelling units are allowed; instead the numbers simply categorize the various lot sizes within the same zoning district. Lot sizes are the only differences between these zoning districts; otherwise, the same height, lot coverage, setback, parking requirements and other zoning restrictions apply to each zoning district.

The proposed Development Code merges the R-1, R-2, RE-1, and LD-R zoning districts into a single land use classification: Low Density Residential. Merging the various single family residential districts into a single classification will now be consistent with the 2010 General Plan, which provides one Low Density Residential land use designation. This land use designation is intended for residential development at densities of two to eight units per acre. Similarly, the proposed Development Code seeks to merge the current RG-A (Residential Garden Apartments) and RM-D (Residential Medium Density) zoning districts into Medium Density Residential land use designation. There is no discernible land use difference between the RG-A and RM-D zoning districts. Finally, the RH-D (Residential High Density) zoning district will remain unchanged. As drafted, the Development Code classifications simplify the document and eliminate unnecessary duplication of zoning districts. In addition, the three proposed residential zones (LD-R, MD-R, and HD-R) will now be consistent with the three General Plan land use designations (LDR, MDR, and HDR) and the General Plan's allowable densities. The table below summarizes the different proposed changes and relationship t the 2010 General Plan.

EXISTING COMMERCIAL ZONES	PROPOSED COMMERCIAL ZONES	RELATIONSHIP TO THE GENERAL PLAN
R-1: Single-Family Residential	Low Density Residential	Low Density Residential (2 – 8 DU/AC)
R-2: Single-Family Residential		
RE-1: Single-Family Residential Eastside		
R-LD: Residential Low Density		
RG-A: Residential Garden Apartments	Medium Density Residential	Medium Density Residential 8 – 20 DU/AC
RM-D: Residential Medium Density		
RH-D: Residential High Density	High Density Residential	High Density Residential 15 – 35 DU/AC

Merging of various low density (single family) residences into a single zoning district makes the Development Code accessible, removes unnecessary redundancy and makes it easier for the public to use and understand. In addition, the draft Development Code updates the City's policy regarding second dwelling units (or granny units) consistent with State Law (Government Code Section 65852.2) governing residential second units. The amendment related to second dwelling unit is that (a) the maximum floor plan for a second dwelling unit is now be 640 sq. ft. whereas the current zoning ordinance allows no more than 400 sq. ft.; and (b) the draft Development Code updates procedures

allowing a second dwelling unit by establishing a ministerial review process for second units. A ministerial action is an objective decision which does not require subjective judgment, and is not subject to public notification, comment, or appeals.

Mixed-Use Districts:
A key initiative of the 2010 General Plan policy is to create mixed-use designations. The purpose of the Mixed-Use zoning districts is to provide opportunities for well-designed development projects that combine residential with nonresidential uses, including office, retail, business services, personal services, public spaces and uses, and other community amenities designated with the mixed-use land use designations in the 2010 General Plan. The intent of these zones are to accomplish the following objectives:

- Create a viable, walkable urban environment that encourages pedestrian activity and reduces dependence on the automobile, through a streetscape that is connected, attractive, safe and engaging;
- Provide complementary residential, commercial, and other uses within walking distance of each other;
- Develop an overall design framework to ensure that the quality, appearance and effects of buildings, improvements and uses are compatible with 2010 General Plan Community Design and Livability Element;
- Revitalize commercial corridors with mixed-use developments that attract and encourage market-driven private investment;
- Encourage parking solutions that are incentives for creative planning and sustainable neighborhood design.

The proposed mixed-use districts are described as follows:

Downtown-Mixed Use (DMU)
As described in the City's 2010 General Plan, Downtown Mixed Use is intended for a variety of commercial, office, public, and medium- and high-density (15-35 du/ac) residential uses on infill sites in the vicinity of Lodi's downtown. This classification encompasses an expanded downtown area, across the railroad tracks and extending past Main Street. Retail uses or eating and drinking establishments are required at the ground level. This category intends to maintain the mix, scale and character of downtown development, while providing opportunities for redevelopment of vacant, and underutilized sites. The maximum FAR (floor area ratio) for this designation is 3.0, which includes all residential and non-residential uses combined. "Floor Area Ratio," or FAR, is defined as the gross floor area permitted on a site divided by the net area of the site, expressed in decimals of one or two place. For residential categories, densities are expressed in terms of persons per acre as well as housing units per acre. In non-residential areas, intensity is expressed using FAR. For example, a FAR of 0.5 means the developer is allowed to build the equivalent of a one-story building over half of the entire lot, or a 1-story over half the lot. A FAR of 1.0 means that the developer is allowed to build the equivalent of a one-story building over the entire lot, or a 2-story over half the lot. A FAR of 2.0 means the developer is allowed to build the equivalent of a two-story building over the entire lot, or a 4-story over half the lot.

At the proposed development intensity of 3.0 FAR for the Downtown Mixed Use district, all parking is expected to be provided offsite; if on-site parking is provided, lower development intensities, as specified in the Development Code Parking Section, would be allowed.

Mixed Use Corridor (MCO)
The Mixed-Use Corridor classification includes a variety of office and general commercial uses, as well as low, medium, and high-density residential uses along the city's major corridors: Kettleman and Cherokee lanes and Lodi Avenue. This category allows for somewhat more intensive development along these corridors to take advantage of vacant and underutilized sites and provide shopping and services to residents in highly accessible corridors. The maximum FAR for this designation is 1.2. Most

of Kettleman Lane presently is zoned R-C-P (residential, commercial and professional). The RCP zoning district allows a mixture of uses such as residential development up to medium density; institutions of an educational or philanthropic nature; business and professional offices such as accountant, architect, attorney, contractor, doctor, dentist, engineer, insurance agent, real estate agency, finance company, bank, chiropractor, governmental agency and drive-in offices; beauty shops and barbershops; and rest and convalescent homes. The proposed Mixed Use Corridor provides development directions, expands uses allowed and creates design guidelines currently absent.

Mixed Use Center (MCE)
This classification identifies new mixed-use neighborhood centers in the new growth areas of the General Plan. This category provides for a variety of residential, office, neighborhood commercial and public uses. The Mixed Use Center designation is prescribed by the 2010 General Plan and applies to areas currently outside of the City limits but within the General Planning area.

B. Commercial and Industrial Districts

Commercial Districts:
The zoning ordinance in effect contains several commercial districts with indiscernible differences. These commercial districts are C-1 (Neighborhood Commercial), C-2 (General Commercial), R-C-P, (Residential-Commercial-Professional), C-S (Commercial Shopping) and C-M (Commercial Light Industrial). The C-1 zoning district permits residential, retail businesses, trade, commercial enterprise or professional and business office use, undertaken for the purpose of rendering neighborhood service. The C-2 zoning district allows all uses permitted in the C-1 zoning district and other non-industrial commercial or business uses. The R-C-P zoning district allows business and professional offices such as accountant, architect, attorney, contractor, doctor, dentist, engineer, insurance agent, real estate agency, finance company, bank, chiropractor, governmental agency and drive-in offices. This district is found along South Fairmont Avenue, and areas around Ham Lane, Pine Street, Vine Street, and Kettleman Lane. C-S zoning district is effectively used for community/regional shopping centers. Finally, the C-M district is a transitional district from the commercial districts to industrial districts. This C-M district is found along Sacramento Street in the Downtown area.

The Development Code proposes to merge the C-1, C-2 and C-M zoning districts into a single zoning designation to create GC (General Commercial) District. The C-M zoning district is the City's only transitional district from commercial to industrial. C-M zoning district applies areas abutting Sacramento Street in the Downtown area. Because the C-1 and C-2 zoning districts abut residential properties, and the C-M district is similar to the C-2 district, the uses permitted over the years on these districts are similar in nature. It no longer makes planning sense to maintain separate zoning districts with near identical requirements and zoning regulations.

The R-C-P zoning district is found along Kettleman Lane, Fairmont Avenue and Orange Avenue. This is the area where medical, dental, and other health-care oriented services are located. The Development Code proposes to re-designate the area as an Office use, which would permit medical and general offices. Finally, the proposed CC district applies to the local and regional shopping centers. The Development Code proposes to re-designate the area with the same requirements in effect. The final product is a more user friendly document.

Industrial Districts:
Industrial uses vary from commercial uses in that industrial uses typically have increased noise, odor, dust, smoke, truck traffic, and other items that may be objectionable to adjacent uses. Additionally these uses tend to require less parking and have different hours of operation than commercial uses as they are focused on manufacturing products rather than selling to customers. There are two main purposes of the Industrial Zone: to provide an area of town where industrial uses can be clustered and to buffer these uses from residential and commercial uses so there are no negative affects from the industrial operations.

The Industrial Zones in the City can be found east of State Highway 99 and along the UPRR line (Main Street). Lodi Municipal Code in effect features two classifications: M-1(Light Industrial) and M-2 (Heavy Industrial). M-1 zoning district permits light industrial/manufacturing uses such as food processing, packaging and storage; bottling plants; manufacturing and assembling of jewelry, watches, clocks, precision instruments, appliances; and other similar manufacturing uses. The M-2 zoning district permits all uses permitted in the commercial and M-1 zoning districts. Because of that fact the Code in effect allows uses permitted in the Light Industrial districts in the M-2 zoning district, all types of uses can be found across both zoning districts, including more commercial type uses in this Industrial Zone. For this reason, the 2010 General Plan and the Development Code merged the two industrial zoning districts into a single zoning district as illustrated below.

EXISTING COMMERCIAL ZONES	PROPOSED COMMERCIAL ZONES	RELATIONSHIP TO THE GENERAL PLAN
M-1 (Light Industrial) M-2 (Heavy Industrial)	M (Industrial) District.	Industrial (.6 FAR)
BP (Business Park)	BP (Business Park) District.	Business Park (1.0FAR)

The proposed Development Code creates BP (Business Park) Zoning District. This is consistent with the 2010 General Plan and applies to new growth areas of the General Plan. The General Plan identifies the new growth areas appropriate for planned, visually attractive centers for business that do not generate nuisances (noise, clutter, noxious emissions, etc.). This zone accommodates campus-like environments for corporate headquarters, research and development facilities, offices, light manufacturing and assembly, industrial processing, general service, incubator-research facilities and other similar uses that generate high employment possibilities.

C. Landscape, off-street parking, sign, and other specific land uses items

Landscape:
The current Municipal Code contains landscape requirements that are in conflict with State requirements. The California Water Conservation in Landscaping Act of 2006 (AB 1881) requires each city to adopt a Model Water Efficient Landscape Ordinance developed by the California Department of Water Resources (DWR) or the city's own local water efficient landscape ordinance that achieves the same goals or better. The City of Lodi enforces the State's landscape ordinance. The requirements for landscape plans include a landscape documentation package which consists of project information, a water efficient landscape worksheet, a soil management report, a landscape design plan, an irrigation design plan and a grading design plan, as part of the Design Review application. Prior to issuance of a Certificate of Occupancy, a certificate of completion and scheduling of irrigation and maintenance would be required. The worksheet includes calculation of a Maximum Applied Water Allowance and Estimated Total Water Use.

In addition to State requirements, staff has added language to address landscape requirements for all residential zoning districts. The existing zoning ordinance is silent whether or not residential front and street side yards should be landscaped and maintained. Instead, the existing ordinance stipulates that *"no person shall install or place asphalt, concrete or other similar material upon more than forty-five percent of any front or street side yard setback."* This has lead to un-maintained and dirt front and street side yards.

Parking:
A key initiative of the Development Code as it relates to parking standards is to modernize the City's parking requirements. The existing zoning code is restrictive where it needs not be and broad where it needs to be specific. For example, Industrial/warehouse/manufacturing uses are required to provide one space for each 750 square feet of building, or two parking spaces for every three employees in the largest shift, whichever is greater. More often than not, parking provided exceeds demand or need. To

address these types of issues, the Development Code revises some requirements, provides specific details where needed, and adds new standards where appropriate.

Sign:
The Development Code does not propose major changes to the existing sign area requirements. In its current form, the Sign Ordinance has been working well for the City and business community. However, it needs significant update to address the following issues:

Master sign program for large shopping centers: The existing Sign Ordinance does not speak to sign programs. In the past, the City has approved sign programs though the SPARC and Planning Commission review process. The proposed Development Code provides clear language and direction for sign programs. For example, a new nonresidential project with four or more tenants, or a major rehabilitation work on an existing nonresidential project with four or more tenants that involves exterior remodeling, would require a sign program.

Programmable electric signs: Electronic reader boards are currently allowed by the Zoning Ordinance via a Use Permit process under Section 17.63.080, which reads *"Flashing, moving or animated signs are subject to the issuance of a use permit, and no such permit shall be issued if the sign will tend to cause a traffic hazard."* Within this section, the City has allowed electronic signs on commercial properties. Staff continuously receives inquiries for electronic signs from churches, health-care related institutions and alike. Staff proposes minimum standards to safeguard life, health, property and public welfare, and to preserve the unique character of the town by regulating the size, height, design, quality of materials, construction, location, lighting and maintenance of electronic signs.

Definition of allowable and prohibited signs: The existing Sign Ordinance does not provide definitions of allowed and prohibited signs. The proposed Development Code identifies 13 different sign types that have been determined to be inconsistent with the purposes and standards of the Sign Chapter.

Maintenance requirements: The proposed Development Code contains language within the sign ordinance *(Section 17.36.100)* for nonconforming or abandoned signs in an effort to create a clearer framework. This section emphasizes the importance of achieving the eventual elimination of nonconforming signs within the City. The previous development standards provided a conformance deadline but provided a number of different ways to maintain a sign's nonconforming status. The proposed Development Code clarifies the allowed continued uses of nonconforming signs and to minimize the occasions whereby they remain over the long-term.

Standards for Specific Land Uses:
This section provides site planning and development standards for various land uses that are allowed in individual or multiple zoning districts, and for activities that require special standards to mitigate potential impacts. The regulations contained involve:

* Child Day Care Facilities
* Residential Density Bonus
* Outdoor Storage
* Recycling Facilities
* Telecommunications Facilities
* Home Occupations
* Recycling Facilities
* Recreational Vehicle Parks
* Mobile Home Parks
* Recreational Vehicle Parks

A new addition this Draft Development Code is the introduction of a residential density bonus program. Density bonus means a density increase over the otherwise maximum allowable residential density in order to create affordable housing. State law (Government Code 6591 5) requires every city and county in California to offer density bonuses to senior housing projects and developments meeting certain affordability criteria. The State has established a "sliding scale" which awards density bonuses based on the percentage of units in a proposed development that are affordable, and the income group served. For example, a new apartment building in which 10 percent of the units are "set

aside" for low income households (e.g., rented at rates deemed affordable to low income households) would be eligible for a 20 percent density bonus. If that same project set aside 20 percent of the units for low income households, the density bonus would increase to 35 percent. Under State law, cities must offer density bonuses up to at least 35 percent.

In addition, the State Density Bonus law also requires that other incentives be offered in tandem with the added density. For example, projects may be eligible for reduced setbacks, added height, expedited permitting, and similar concessions which make the project more feasible. The number of incentives depends on the depth of affordability and the number of affordable units to be built. State law also includes provisions for density bonuses if a housing development includes an onsite child care facility.

The City does not currently have an inclusionary housing requirement or housing density bonus program. The proposed Residential Density Bonus program responds to a State mandate to allow more density than would ordinarily be allowable for certain types of housing (e.g., senior housing and affordable housing). It includes requirements for Affordable Housing Agreements which specify the terms of occupancy, limits on resale (for for-sale units), the number of years during which the unit must remain affordable, and the eligibility requirements. The purpose of adopting such a program is twofold: first, the City hopes to encourage affordable housing by providing the incentive of increased density and such other incentives and, second, to comply with state requirements for allowing incentives for creating affordable and senior housing projects.

The other part of this section of the Code relates to large residential and day care facilities, which are largely governed by State laws with limited local control. The State has found that it has the responsibility to ensure the health and safety of children in family homes that provide daycare. It has also found that there is a shortage of regulated family day care homes in California and, with the increase in working parents, a growing need for such facilities. Local jurisdictions are required by State law (Health and Safety Code Section 1597.46) to grant use permits for large family day care homes "if the large family childcare home complies with local ordinances, if any, prescribing reasonable standards, restrictions, and requirements." The Development Code establishes local control via Use Permit to ensure site suitability and distance from other similar establishments. The remaining topics raised within this Chapter mirror the existing Municipal Code.

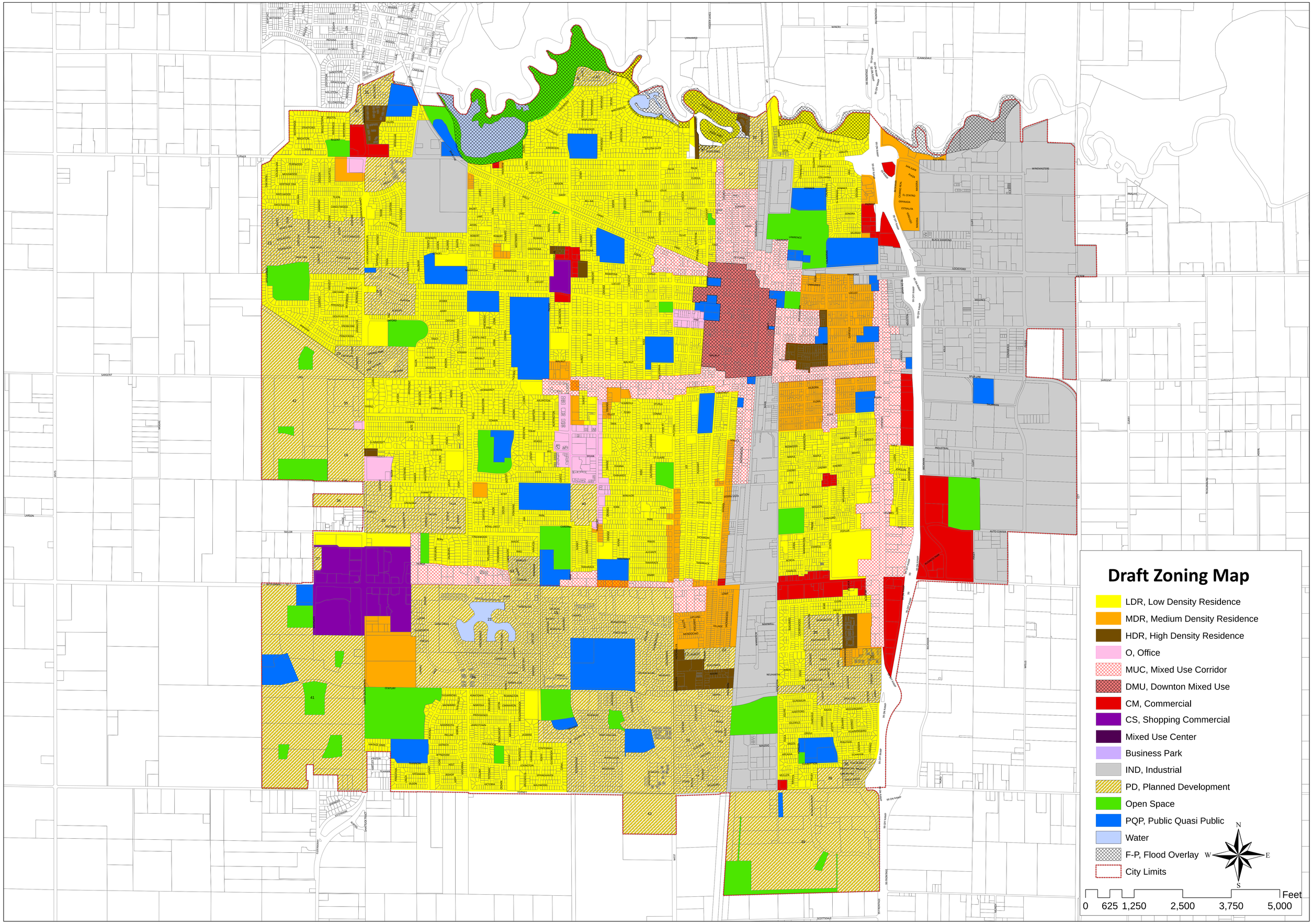
FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

Konradt Bartlam
Community Development Director

KB/IB

Attachment:
1. Draft Zoning Map
2. Draft Development Code
3. Draft Negative Declaration
4. Planning Commission Staff Report
5. Planning Commission Resolution 12-22
6. Planning Commission minutes of October 10, 2012
7. Draft Resolution
8. Draft Ordinance


Draft Zoning Map
LDR, Low Density Residence
MDR, Medium Density Residence
HDR, High Density Residence
O, Office
MUC, Mixed Use Corridor
DMU, Downton Mixed Use
CM, Commercial
CS, Shopping Commercial
Mixed Use Center
Business Park
IND, Industrial
PD, Planned Development
Open Space
PQP, Public Quasi Public
Water
F-P, Flood Overlay
City Limits
N
W
E
S
Feet
0
625
1,250
2,500
3,750
5,000

City of Lodi

Development Code

September 2012

City of Lodi
Community Development Department
221 West Pine Street
Lodi, California 95241

DEVELOPMENT CODE

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17.01.010 - Purpose of the Development Code

The purpose of the Lodi Development Code is to implement the policies of the General Plan by classifying and regulating the uses of land and structures within the City of Lodi in a manner consistent with the General Plan. To achieve this purpose, it is the intent of these regulations to:

A. Provide standards for the orderly development of the City, and continue a stable pattern of land uses;

B. Preserve the historical integrity and character of the City's neighborhoods and commercial areas;

C. Encourage a pedestrian-friendly community by promoting a mix of land uses and pedestrian oriented design in residential and commercial areas; and

D. Conserve and protect the natural resources of the City, including surrounding agricultural lands.

17.01.020 - Authority

These regulations are enacted based on the authority vested in the City of Lodi by the State of California, including but not limited to: the State Constitution; the Planning and Zoning Law (Government Code Section 65000 et seq.); the Subdivision Map Act (Government Code Section 66410 et seq.); and the California Health and Safety Code.

17.01.030 - Applicability of Regulations

This Development Code, hereafter referred to as "this Code," applies to all land uses, structures, subdivisions, and development within the City of Lodi, as follows.

A. New land uses or structures, changes to land uses or structures. Compliance with the requirements of Chapter 17.12 (Development and Land Use Approval Requirements) or, where applicable, Chapter 17.68 (Nonconforming Uses, Structures, and Parcels), is necessary for any person or public agency to lawfully establish, construct, reconstruct, alter, or replace any use of land or structure.

B. Issuance of Building Permits. The City may issue building or other construction permits only when:

1. The proposed land use and/or structure satisfy the requirements of Subsection A. above, and all other applicable statutes, Codes and regulations; and
2. The Director determines that the site was subdivided in compliance with Article 5 (Subdivisions).

C. **Subdivisions.** Any subdivision of land proposed within the City after the effective date of this Code shall be consistent with: the minimum lot size requirements of Article 2 (Land Use and Development Standards), and all other applicable requirements of this Code, including the Land Use and Development Permit procedures as outlined in Article 4.

D. **Effect of regulations on existing uses and structures.** An existing land use or structure is lawful only when it was legally established, and is operated and maintained, in compliance with all applicable provisions of this Code, including Chapter 17.68 (Nonconforming Uses, Structures and Parcels).

Existing land uses or structures that were in violation of City zoning regulations applicable before the effective date of this Code are in violation of these regulations, and shall continue to be in violation unless they comply with the current requirements.

E. **Effect of regulations changes on projects in progress.** A land use permit application that has been accepted by the Department as complete prior to the effective date of this Code or any amendment shall be processed according to the requirements in effect when the application was accepted as complete.

F. **Minimum requirements.** The provisions of this Code shall be minimum requirements for the promotion of the public health, safety, and general welfare. When this Code provides for discretion on the part of a City official or body, that discretion may be exercised to impose more stringent requirements than set forth in this Code as may be necessary to promote orderly land use development and the purposes of this Code.

G. **Other requirements may apply.** Nothing in this Code eliminates the need for: obtaining any permit, approval, or entitlement required by the regulations of the County, or any regional, State, or Federal agency.

H. **Conflicting requirements.** Any conflict between different requirements of this Code, or between this Code and other City regulations, shall be resolved in compliance with Section 17.02.020.D (Conflicting Requirements).

I. **Severability.** Invalidity or enforceability of one or more provisions of this Code shall not affect other provisions of this Code.

17.01.040 - Responsibility for Administration

This Development Code shall be administered by the City Council, Planning Commission, Site Plan and Architectural Review Committee (SPARC), Community Development Director, and the Community Development Department in compliance with Chapter 17.66 (Administrative Responsibility).

CHAPTER 17.02 - INTERPRETATION OF CODE PROVISIONS

Sections:

17.02.010 - Purpose of Chapter
17.02.020 - Rules of Interpretation
17.02.030 - Procedures for Interpretations

17.02.010 - Purpose of Chapter

This Chapter provides rules for resolving questions about the meaning or applicability of any part of this Code. The provisions of this Chapter are intended to ensure the consistent interpretation and application of the requirements of this Code.

17.02.020 - Rules of Interpretation

A. Authority. The Director shall have the responsibility and authority to interpret the meaning and applicability of all provisions and requirements of this Code.

B. Language.

1. Abbreviated titles and phrases. For the purpose of brevity, the following phrases, personnel and document titles are shortened in this Code. The City of Lodi is referred to as the “City.” The City of Lodi Zoning & Subdivision Code is referred to as “this Code.” The Community Development Director is referred to as “Director,” the City Council is referred to as the “Council,” the Planning Commission is referred to as the “Commission.” The Community Development Department is referred to as the “Department.” “Buildings and structures’ are referred to as “structures.”

2. Terminology. When used in this Code, the words "shall," "will," "is to," and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended; and "may" is permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise. The words "include," "includes," and "including" mean "including but not limited to . . .".

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

4. State law requirements. Where this Code references applicable provisions of State law (e.g., the California Government Code, Subdivision Map Act, Public Resources Code, etc.), the reference shall be construed to be to the applicable State law provisions as they may be amended from time to time.

C. Calculations - Rounding. Where any provisions of this Code require calculations to determine applicable requirements, any fractional/decimal results of the calculations shall be rounded as provided by this Subsection.

Interpretation

1. **Residential density, minimum lot area and number of lots.** The fractional/ decimal results of calculations of the number of dwelling units allowed on a parcel based on maximum density requirements, and the number of parcels allowed through subdivision based on a minimum lot area requirement, shall be rounded down to the next lowest whole number.

2. **All other calculations.** For all calculations other than those described in Subsection C.1 above, the fractional/decimal results of calculations shall be rounded to the next highest whole number when the fraction/decimal is 0.5 or more, and to the next lowest whole number when the fraction is less than 0.5.

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

1. **Zoning & Subdivision Ordinance provisions.** In the event of any conflict between the provisions of this Code, the most restrictive requirement shall control, except in case of any conflict between the zoning district regulations of Article 2 (Land Use and Development Standards) and the provisions of Article 3 (Site Planning and General Development Standards), the provisions of Article 3 shall control.

2. **Development Agreements, Specific Plans, Planned Developments.** In the event of any conflict between the requirements of this Code and standards adopted as part of any Development Agreement, Specific Plan, or Planned Development approval, the requirements of the Development Agreement or Specific Plan shall control.

3. **Municipal Code provisions.** In the event of any conflict between requirements of this Code and other regulations of the City, the Community Development Director shall determine which provision shall control.

4. **Private agreements.** It is not intended that the requirements of this Code shall interfere with, repeal, abrogate or annul any easement, covenant, or other agreement that existed when this Zoning Code became effective. This Code applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than an applicable private agreement or restriction, without affecting the applicability of any agreement or restriction. The City shall not enforce any private covenant or agreement unless it is a party to the covenant or agreement.

E. Zoning Map boundaries. See Chapter 17.10 (Zoning Districts and Map).

F. Allowable uses of land. See Section 17.12.030 (Allowable Land Uses and Permit Requirements).

17.02.030 - Procedures for Interpretations

Whenever the Community Development Director determines that the meaning or applicability of any of the requirements of this Code are subject to interpretation generally, or as applied to a specific case, the Director may issue an official interpretation or refer the question to the Planning Commission for determination.

A. Request for interpretation. The request for an interpretation or determination shall be filed with the Department and shall include specific provisions in question, and any other information necessary to assist the Department in their review.

Interpretation

B. Appeals. Any interpretation of this Code by the Director or Commission may be appealed in compliance with Chapter 17.70 (Appeals).

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CHAPTER 17.10 - ZONING DISTRICTS AND MAP

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17.10.010 - Purpose of Chapter
17.10.020 - Zoning Districts Established
17.10.030 - Zoning Map Adopted
17.10.040 - Zoning District Boundaries

17.10.010 - Purpose of Chapter

This Chapter establishes the zoning districts applied to property within the City, determines how the zoning districts are applied on the Zoning Map, and establishes general permit requirements for development and new land uses.

17.10.020 - Zoning Districts Established

The City of Lodi shall be divided into zoning districts which implement the Lodi General Plan. The zoning districts shown in Table 2-1 are hereby established, and shall be shown on the official Zoning Map.

17.10.030 - Zoning Map Adopted

The Council hereby adopts the City of Lodi Zoning Map (hereafter referred to as the "Zoning Map"), which is on file with the Department. The Zoning Map is hereby incorporated into this Development Code by reference as though it were fully included here. The boundaries of the zoning districts established by Section 17.10.020 (Zoning Districts Established) shall be shown upon the Zoning Map.

17.10.040 - Zoning District Boundaries

Where uncertainty exists as to the boundaries of any district on the district map, the following rules shall govern:

A. Where such boundaries are indicated as approximately following street or alley lines, such lines shall be construed to be such boundaries.

B. In the case of unsubdivided property and where a district boundary divides a parcel of property in one ownership, the locations of such boundaries shall be determined from the scale appearing on the map.

C. Where a public street or alley is officially vacated, the regulations of abutting properties shall apply to such vacated street or alley after being added to such properties.

D. In case of further uncertainty, the Director shall determine the location of such boundaries.

TABLE 2-1 - ZONING DISTRICTS

Zoning District Symbol	Zoning District Name	General Plan Land Use Classification Implemented by Zoning District
Residential Districts		
RLD	Low Density Family Residential	Low Density Residential
RMD	Medium Density Residential	Medium Density Residential
RHD	High Density Residential	High Density Residential
Commercial Districts		
CC	Community Commercial	General Commercial
GC	General Commercial	General Commercial
O	Office	Office
Mixed Use Districts		
DMU	Downtown Mixed Use District	Downtown Mixed Commercial
MCO	Mixed Use Corridor	Mixed Use Corridor
MCE	Mixed Use Center	Mixed Use Center
Industrial Districts		
BP	Business Park	Business Park
M	Industrial	Industrial
Public and Open Space Districts		
PF	Public and Community Facility	Public/Quasi-Public
		Detention Basins and Parks
Overlay Districts		
-F	Floodplain Overlay	Various
-PD	Planned Development Overlay	Various

CHAPTER 17.12 - DEVELOPMENT AND LAND USE APPROVAL REQUIREMENTS

Sections:

17.12.010 - Purpose of Chapter
17.12.020 - General Requirements for Development and New Land Uses
17.12.030 - Allowable Land Uses and Permit Requirements
17.12.040 - Exemptions from Land Use Permit Requirements
17.12.050 - Requirements for Sites Divided by Zoning Boundary
17.12.060 - Temporary Uses
17.12.070 - Additional Permits and Approvals May Be Required

17.12.010 - Purpose of Chapter

This Chapter provides general requirements for the approval of proposed development and new land uses in the City. The land use permit requirements established by this Development Code for specific land uses are in Chapters 17.14 through 17.28, and in Article 3.

17.12.020 - General Requirements for Development and New Land Uses

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

A. **Allowable use.** The use of land shall be identified by Chapters 17.18 (Residential Zoning Districts), 17.20 (Commercial Zoning Districts), 17.22 (Mixed Use Zoning Districts), 17.24 (Industrial Zoning Districts), 17.26 (Special Purpose Zoning Districts), or 17.28 (Overlay Zoning Districts) as being allowable in the zoning districts applied to the site. The Director may determine whether a particular land use is allowable, in compliance with Section 17.12.030.

B. **Permit/approval requirements.** Any land use permit or other approval required by Section 17.12.030 (Allowable Land Uses and Permit Requirements) shall be obtained before the proposed use is constructed, otherwise established or put into operation, unless the proposed use is listed in Section 17.12.040 (Exemptions from Land Use Permit Requirements).

C. **Development standards.** The use of land and/or structure shall comply with all applicable requirements of this Development Code, including the zoning district standards of this Article, and the provisions of Article 3 (Site Planning and General Development Standards).

D. **Conditions of approval.** The use of land and/or structure shall comply with any applicable conditions imposed by any previously granted land use permit or other approval.

E. **Legal parcel.** The use of land and/or structures shall only be established on a parcel of land which has been legally created in compliance with the Subdivision Map Act and Article 5 (Subdivisions), as applicable at the time the parcel was created.

F. **Development Agreements.** The use and/or structures shall comply with any applicable Development Agreement approved by the City in compliance with Chapter 17.44 (Development Agreements).

17.12.030 - Allowable Land Uses and Permit Requirements

The uses of land allowed by this Development Code in each zoning district are identified in Chapters 17.18, 17.20, 17.22, 17.24, 17.26, and 17.28 together with the type of land use permit required for each use.

A. Permit requirements. Tables 2-4, 2-6, 2-8, 2-10, and 2-12 provide for land uses that are:

1. Allowed uses subject to compliance with all applicable provisions of this Development Code, subject to first obtaining a Building Permit or other permit required by the Municipal Code. These are shown as "A" uses in the tables; and

2. Allowed subject to the approval of a Use Permit (Section 17.40.040), and shown as "UP" uses in the tables.

3. Allowed subject to the approval of a Minor Use Permit, and as shown as "MUP" uses in the tables.

4. Not allowed in particular zones and shown as "—" uses in the tables.

Note: Design Review may also be required for certain uses and types of development. Design Review requirements are established by Section 17.40.020.

B. Multiple uses on a single site. Where a proposed project includes multiple land uses, and Tables 2-4, 2-6, 2-8, 2-10, and 2-12 require different land use permits for some of the uses, each use shall be authorized through the approval of the permit required for the specific use.

C. Uses not listed. Land uses that are not listed in Tables 2-4, 2-6, 2-8, 2-10 or 2-12, or are not shown in a particular zoning district are not allowed, except as otherwise provided by Section 17.02.020 (Rules of Interpretation), or Section 17.12.040 (Exemptions from Land Use Permit Requirements).

17.12.040 - Exemptions from Land Use Permit Requirements

The land use permit requirements of this Development Code do not apply to the activities, uses of land and/or structures identified by this Section. However, nothing in this Section shall eliminate the requirements of the Municipal Code for obtaining grading, building, and/or other construction permits prior to starting any work.

A. Governmental facilities. Facilities of the City; the Lodi Unified School District (LUSD); and facilities of the County, State, or the Federal Government on land owned or leased by a governmental agency, for governmental operations, to the extent that exemption is required by State or Federal law.

B. Interior remodeling. Interior alterations that do not increase the number of rooms or the gross floor area within the structure, or change the approved use of the structure.

C. 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:

1. It was legally established and in compliance with this Development Code before destruction; and

2. Reconstruction occurs in compliance with all applicable building, electrical, mechanical, and plumbing code requirements.

See Section 17.68.020 regarding repairs to nonconforming structures.

D. Repairs and maintenance. Ordinary repairs and maintenance, if:

1. The work does not result in any change in the approved land use of the site or structure, addition to, or enlargement/expansion of the land use and/or structure; and

2. The exterior repairs employ the same materials and design as the original construction.

17.12.050 - Requirements for Sites Divided by Zoning Boundary

Where a site is divided by one or more zoning district boundaries, the site shall be developed in compliance with the requirements of each district, as applicable. For example, if a site is zoned both commercial and residential, the portion of the site zoned commercial shall be developed in compliance with the commercial zoning regulations, and the portion zoned residential shall be developed in compliance with the requirements of the applicable residential district.

17.12.060 - Temporary Uses

Requirements for establishing a temporary use (e.g., construction yards, seasonal sales lots, special events, temporary office trailers, etc.) are in Section 17.40.030 (Temporary Use Permits).

17.12.070 - Additional Permits and Approvals May be Required

An allowed land use that has been granted a land use permit, or is exempt from a land use approval, may still be required to obtain City permits or approvals before the use is constructed, or otherwise established and put into operation. Nothing in this Division shall eliminate the need to obtain any permits or approvals required by:

A. Other Municipal Code provisions, including: building, grading or other construction permits or a business license if required by Municipal Code; or

B. Any applicable County, or any regional, State or Federal agency regulations. All necessary permits shall be obtained before starting work or establishing new uses.

CHAPTER 17.14 - GENERAL PROPERTY DEVELOPMENT AND USE STANDARDS

Sections:

17.14.010 - Purpose of Chapter
17.14.020 - Applicability
17.14.030 - Development Across Property Lines
17.14.040 - General Performance Standards
17.14.050 - Height Limits and Exceptions
17.14.060 - Setback Measurement and Exceptions
17.14.070 - Lighting
17.14.080 - Screening
17.14.090 - Solid Waste Collection and Storage Areas
17.14.100 - Walls, Fences and Hedges

17.14.010 - Purpose of Chapter

This Chapter expands upon the standards of Article 2 (Land Use and Development Standards) by addressing the details of site planning and project design. These standards are intended to ensure that all development produces an environment of desirable character that is compatible with existing and future development and protects the use and enjoyment of neighboring properties, consistent with the General Plan.

17.14.020 - Applicability

The provisions of this Chapter apply to all proposed development and new land uses

A. These standards shall be considered in combination with the standards for each zoning district in Article 2 (Land Use and Development Standards). If there is a conflict, the standards applicable to the zoning district shall take precedence over these general standards, except where these standards provide otherwise.

B. All new or modified structures and uses shall comply with all applicable provisions of this Chapter, except as specified in Chapter 17.68 (Nonconforming Uses, Structures, and Parcels).

17.14.030 - Development Across Property Lines

Where an existing structure is located on two or more lots and crosses one or more of the property lines between the lots, the approval of any addition to the structure shall require that the property owner merge the parcels prior to the issuance of a certificate of occupancy.

17.14.040 - General Performance Standards

All land uses activities, and processes shall be operated and maintained so as to not be injurious to public health, safety or welfare, and to comply with the following standards.

A. **Air emissions.** No visible dust, gasses, or smoke shall be emitted, except as necessary for the heating or cooling of structures, and the operation of motor vehicles on the site.

B. **Combustibles and explosives.** The use, handling, storage, and transportation of combustibles and explosives shall comply with the Uniform Fire Code.

C. **Ground vibration.** No ground vibration shall be generated that is perceptible without instruments by a reasonable person at the property lines of the site, except for motor vehicle operations.

D. **Light and glare.** See Section 17.14.070 (Lighting).

E. **Liquid waste.** No liquid shall be discharged into a public or private body of water, sewage system, watercourse, or into the ground, except in compliance with applicable regulations of the California Regional Water Quality Control Board.

F. **Noise.** No use, activity, or process shall exceed the maximum allowable noise standards identified by the General Plan.

G. **Odor.** No obnoxious odor or fumes shall be emitted that are perceptible without instruments by a reasonable person at the property line of the site.

H. **Radioactivity, electrical disturbance or electromagnetic interference.** None of the following shall be emitted:

1. Radioactivity, in a manner that does not comply with all applicable State and Federal regulations; or

2. Electrical disturbance or electromagnetic interference that interferes with normal radio or television reception, or with the function of other electronic equipment beyond the property line of the site; or that does not comply with all applicable Federal Communications Commission (FCC) and other applicable State and Federal regulations.

17.14.050 - Height Limits and Exceptions

All structures shall comply with the height limits of this Section, except for fences and walls, which are instead subject to the provisions of Section 17.14.100 (Walls, Fences, and Hedges).

A. **Maximum height of structures.** The height of structures shall not exceed the limit for the applicable zoning district in Article 2 (Land Use and Development Standards).

B. **Height measurement.** The maximum allowable height shall be measured as the vertical distance from finished grade at the base of the structure to the top of structure. See Figure 2-1. Finished grade shall be established in a manner consistent with parcels in the immediate vicinity as determined by the Director, and shall not be artificially raised to gain additional building height.

Figure 2-1 Height Measurement

C. Exceptions to height limits. The following structures and structural features may exceed the height limits of this Development Code provided that the additional building area is not used as habitable space.

1. Towers, spires, cupolas, domes, flag poles, gables, monuments, penthouses, theater scenery lofts, water tanks, similar structures, and necessary mechanical appurtenances may exceed the height limit established for the applicable zoning district to a maximum of 20 percent of the height limit.

2. Public and semi-public structures including hospitals may be up to 75 feet, provided that the front, side and rear setbacks are increased by one foot for each foot of building height above the height limit.

3. Telecommunications facilities, including antennas, poles, towers, and necessary mechanical appurtenances, may be authorized to exceed the height limit established for the applicable zoning district, in compliance with Section 17.36.140 (Telecommunications Facilities).

D. Height limit at street corners. No structure or landscape element shall exceed 42 inches in height within a street corner sight visibility area, except:

1. Within the downtown area;

2. Trees with their canopy trimmed to a minimum of eight feet above grade; and

3. Where otherwise approved by the Director on the basis of a determination that a structure and/or landscaping with greater height will not create a safety hazard for pedestrians or motorists.

The required sight visibility area is defined by a line between two points on the street property lines of a corner parcel, each 35 feet from the intersection of the two property lines forming the corner at the street right of way. See Figure 2-2.

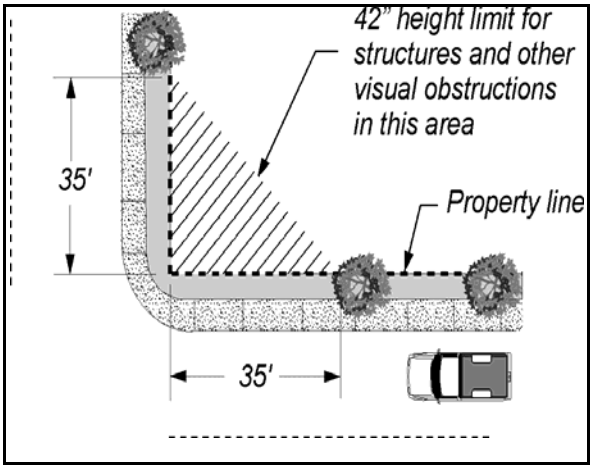


Figure 2-2 Sight Visibility Area

17.14.060 - Setback Measurement and Exceptions

This Section provides standards for the use and minimum size of required setbacks. These standards are intended to provide open areas around structures for: visibility and traffic safety; access to and around structures; access to natural light, ventilation and direct sunlight; separation of incompatible land uses; and space for privacy, landscaping, and recreation.

A. Setback requirements.

1. All structures shall comply with the setback requirements of the applicable zoning districts established by Article 2 (Land Use and Development Standards), and with any special setbacks established for specific uses by this Development Code.

2. No portion of a structure, including eaves or roof overhangs, or other architectural features shall extend into a yard more than 24 inches, and they must be at least 36 inches away from any property line.

3. Each required setback shall be open and unobstructed from the ground upward.

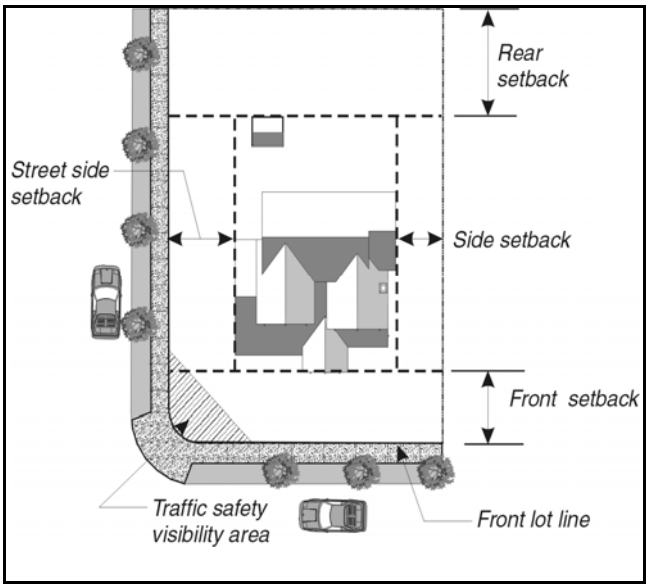
B. Exemptions from setback requirements. The minimum setback requirements of this Development Code apply to all uses and structures except the following:

1. Fences, walls, and hedges 42 inches or less in height above the natural grade of the parcel; except as otherwise provided in Section 17.14.100;

2. Decks, earthworks, pavement, steps, terraces, and other site design elements placed directly upon the finish grade, and that do not exceed a height of 18 inches above the surrounding finish grade at any point; and

3. Pools, ponds, and spas, except as required by the California Building Code.

C. Measurement of setbacks. Setbacks shall be measured from the exterior wall of structures, as



follows. See Figure 2-3.

Figure 2-3 Location and Measurement of Setbacks

1. **Front yard setbacks.** The front yard setback shall be measured at right angles from the nearest point on the front property line of the parcel to the nearest portion of the structure, except as provided in following Subsections C.1.a through C.1.b. Garages and carports shall be setback at least 20 feet from the street right-of-way.

   a. **Corner parcels.** The measurement shall be taken from the nearest line of the structure to the nearest point of the property line adjoining the street which is opposite the rear yard.

   b. **Flag lots.** The measurement shall be taken from the nearest point of the wall of the structure facing the street to the point where the access strip meets the bulk of the parcel; establishing a building line parallel to the lot line nearest to the public street or right-of-way. See Figure 2-4.

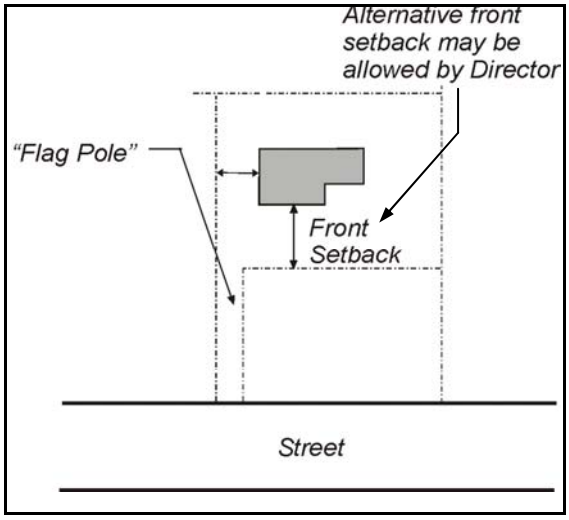


Figure 2-4 Flag Lot Setbacks

2. **Side yard and street side yard setbacks.** Side yard and street side yard setbacks shall be measured at right angles from the nearest point on the side property line of the parcel to the nearest portion of the structure; establishing a setback line parallel to the side property line, which extends between the front and rear yards.

3. **Rear yard setbacks.** The rear yard setback shall be measured at right angles from the nearest point on the rear property line of the parcel to the nearest portion of the structure, establishing a setback line parallel to the rear property line, except:

   The rear yard setback on the street side of a through lot shall be measured from the nearest point of the rear property line adjoining the street and shall be setback a minimum of 40 feet.

   If a parcel abuts an alley, the rear yard setback shall be five feet.

D. Allowed projections into setbacks. Attached architectural features may extend from the wall of the structure into a front, side, or rear setback, in compliance with Table 2-2. See Figure 2-5.

TABLE 2-2 - ALLOWED PROJECTIONS INTO RESIDENTIAL SETBACKS

Projecting Feature	Allowed Projection into Specified Setback		
	Front Setback	Side Setback	Rear Setback
Projections such as a chimney/fireplace, cornice, buttress, eave/roof, overhang, sill	2 ft., but no closer than 3 ft. to any property line		
Deck or porch, which may be roofed but is otherwise unenclosed	5 ft.	0 ft.	0 ft.
Stairway, fire escape, balcony	3 ft. from any property line		
Architectural features	Projection shall not exceed 30% of building wall		

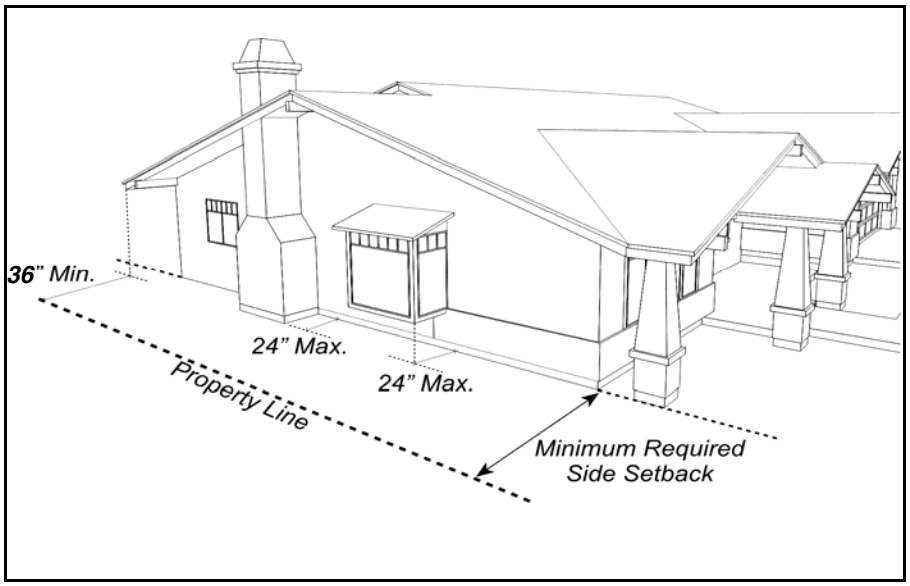


Figure 2-5 Examples of Allowed Projections into Residential Setbacks

E. Limitations on the use of setbacks. Required setback areas shall only be used in compliance with the following requirements.

1. **Storage.** No required setback visible from the public right-of-way shall be used for the storage of inoperable vehicles, scrap, junk, building materials, or similar material.

2. **Parking.** Residential parking is allowable within required setback areas only on a paved surface, in compliance with Section 17.32.070 (Parking Design Standards).

3. **Swimming pool equipment.** Swimming pool equipment (e.g., pumps and filters) shall be located a minimum of five feet from side and rear property lines.

17.14.070 - Lighting

Exterior lighting on private property within the City shall comply with the requirements of this Section.

A. Exterior lighting fixtures shall not exceed a height of 20 feet or the height of the nearest building, whichever is less.

B. Lighting shall be energy-efficient, and shielded or recessed so that direct glare and reflections are confined to the maximum extent feasible within the boundaries of the site, and shall be directed downward and away from adjoining properties and public rights-of-way.

C. No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness, as determined by the Director.

D. All lighting fixtures shall be appropriate in scale, intensity, and height to the use they are serving.

E. All lighting shall be properly maintained.

17.14.080 - Screening

This Section establishes standards for the screening and separation of adjoining residential and nonresidential land uses, equipment and outdoor storage areas, and surface parking areas.

A. Screening between different land uses. An opaque screen consisting of a solid, decorative masonry wall a minimum of six feet in height, shall be installed along parcel boundaries whenever a non-residential use adjoins a residential zoning district. The maximum height of the wall shall comply with the provisions of Section 17.14.100 (Walls, Fences, and Hedges). The wall shall be architecturally treated on both sides, subject to the approval of the Director.

B. Mechanical equipment, loading docks, and refuse areas.

1. Roof or ground mounted mechanical equipment (e.g., air conditioning, heating, ventilation ducts, and exhaust, etc.), loading docks, refuse storage areas, and utility services (e.g. electrical transformers, gas meters, etc.) shall be screened from public view from adjoining public streets and rights-of-way and adjoining area(s) zoned for residential uses.

2. The colors, materials, and architectural style of screening features shall be architecturally compatible with other on-site development.

3. Landscaping shall be installed adjacent to screen walls, at the discretion of the Director.

C. Outdoor storage and work yards. Where allowed by Article 2, areas for the outdoor storage of materials, recycling facility-processing centers, waste resource and waste recycling operations, and similar uses shall comply with the following requirements, in addition to those of Subsection A., of this section, where applicable.

1. Within commercial zoning districts, outdoor storage and work areas shall be screened on all sides with a solid sight-obscuring masonry wall, a minimum of six feet and a maximum of eight feet in height or as otherwise determined to reduce noise. Points of entry through the wall shall have sight-obscuring gates. The wall and gates shall be continuously maintained in good repair. Within industrial zoning districts, this screening requirement shall apply only on property lines adjacent to streets.

2. Site operations in conjunction with outdoor uses, including the loading and unloading of equipment and materials, shall be screened to minimize the visibility of operations from abutting streets and residential zoning districts.

D. Outdoor building materials and garden supply storage and sales areas. Outdoor building materials and garden supply storage areas shall be screened with fencing, landscaping, meshing, walls, or similar material to minimize visibility of the storage area.

17.14.090 - Solid Waste Collection and Storage Areas

The following regulations shall apply to garbage, refuse and recycling facilities on residential and commercial properties. Placement of these facilities within the public right-of-way is governed by Municipal Code Chapter 12.04.

A. Roll-away and portable containers. All roll-away and other portable containers must be kept out-of-view from the public right-of-ways, excluding alleys, and may not be stored within the front yard setback.

B. Dumpster bins. All dumpster bin storage and refuse collection areas shall be screened from public view by a concrete block or masonry wall or in such a manner so that it is not visible from abutting public right-of-ways, excluding alleys. All storage and collection areas and enclosures shall be maintained in a sanitary condition and walls, roof coverings and doors to enclosures must be maintained in good condition and must be in working order.

C. Exceptions. The following exceptions pertain to both commercial and residential garbage, refuse and recycling facilities:

1. Garbage, refuse and recycling storage containers can be placed out for collection, from five p.m. the day before garbage collection to eight p.m. the day of garbage collection, in accordance with the requirements of the garbage collector.

2. Rented containers and dumpster bins can be placed in public view on private property for the duration of the special project, remodeling or construction project, or special event for which they are being used, but must be maintained in a sanitary condition and removed when filled to prevent overflow and blight.

General Property Development and Use Standards

17.14.100 - Walls, Fences and Hedges

A. Applicability. The provisions of this Chapter apply to all walls, fences, and hedges, unless otherwise stated.

B. Exemptions. These regulations do not apply to fences or walls required by regulations of a State or Federal agency, or by the City for reasons of public safety, or to retaining walls.

C. Height limitations. Fences, walls, and hedges shall comply with the height limitations shown in Table 2-3.

TABLE 2-3 - MAXIMUM HEIGHT OF FENCES, WALLS, AND HEDGES

Location	Maximum Height
Within front yard setback	48 in.(1)
At a side or rear lot line or outside of a required setback	6 ft.
Nonresidential district adjacent to a residential district	8 ft.

(1) Except in visibility triangle when the maximum height is 42 in.

D. Measurement of fence or wall height. Fence and wall height shall be measured from finished grade at the base of the fence to the uppermost part of the fence. Where there is a difference in the ground level between two adjoining parcels of less than two feet, the height of a fence or wall constructed along the common property line shall be determined by using the finished grade of the highest contiguous parcel. See Figure 2-6.

E. Swimming pools, spas, and similar features. Swimming pools/spas and other similar water features shall be fenced in compliance with the California Building Code and State law.

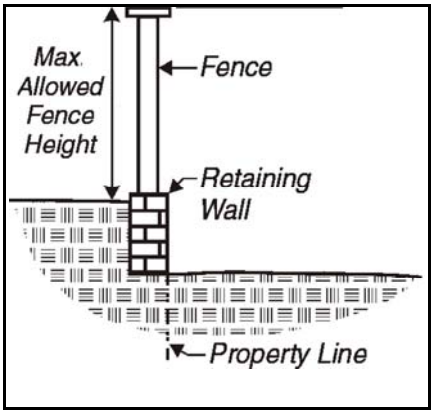


Figure 2-6 Fence Height Measurement

F. Outdoor equipment, storage, and work areas. Screening of outdoor uses and equipment shall be provided in compliance with Section 17.14.080 (Screening).

G. Temporary fencing. Temporary fencing may be necessary during site preparation and construction. Temporary fencing for these purposes shall be subject to approval by the Director.

CHAPTER 17.16 - APPLICABILITY AND GENERAL DESIGN GUIDELINES

Sections:

17.16.010 - Purpose of Design Guidelines
17.16.020 - Applicability
17.16.030 - General Design Guidelines

17.16.010 - Purpose of Design Guidelines

The Design Guidelines in this Article are intended as a guide to assist property owners and project designers in understanding the City's goals for attaining high quality development that is sensitive to the City's unique character. The guidelines will be used by staff and the Site Plan and Architectural Review Committee (SPARC) during the Design Review process, and by the Commission in the review of land use permit applications.

17.16.020 - Applicability

A. The Design Guidelines in this Article apply to all development within the City. The design elements of each project (including site design, architecture, landscaping, signs, parking design) will be reviewed on a comprehensive basis.

B. The review authority may interpret these design guidelines with some flexibility in their application to specific projects, as not all design criteria may be workable or appropriate for each project. In some circumstances, one guideline may be relaxed to facilitate compliance with another guideline determined by the review authority to be more important in the particular case. The overall objective is to ensure that the intent and spirit of the design guidelines are followed.

17.16.030 - General Design Guidelines

This Section provides general design guidelines and principles that are applicable to all development within the City.

A. Consider adjacent development. Each development proposal should demonstrate consideration for the context of the proposed project on and off the site including the following:

1. Land uses and site organization of neighboring properties;

2. The architectural style and building forms of neighboring structures;

3. Existing natural features (i.e., mature trees, etc);

4. Privacy on the site and neighboring properties; and

5. Links to adjacent development using sidewalks and shared access drives and parking.

B. Landscaping.

1. Landscaped areas should be planned as an integral part of the overall project and not simply located in "left over" areas of the site.

2. Landscaping should be used to help define outdoor spaces, soften a structure's appearance, and to screen parking, loading, storage, and equipment areas.

3. The use of on-site pedestrian amenities (e.g., benches, shelters, drinking fountains, lighting, and trash receptacles) is encouraged. These elements should be provided in conjunction with on-site open spaces and be integrated into the site plan as primary features.

C. Exterior lighting. Exterior lighting should be designed to be compatible with the architectural and landscape design of the project.

1. An appropriate hierarchy of lighting fixtures/structures and intensity should be considered when designing the lighting for the various elements of a project (i.e., building and site entrances, walkways, parking areas, or other areas of the site).

2. The use of exterior lighting to accent a building's architecture is encouraged. All lighting fixtures should be properly shielded to eliminate light and glare from impacting adjacent properties, and passing vehicles or pedestrians. If neon tubing is used to illuminate portions of a building it should be concealed from view through the use of parapets, cornices or ledges. Small portions of exposed neon tubing may be used to add a special effect to a building's architecture but this must be well thought out and integrated into the overall design of the project.

3. To achieve the desired lighting level for parking and pedestrian areas, the use of more short, low intensity fixtures is encouraged over the use of a few tall fixtures that illuminate large areas.

D. Screening.

1. Screening is a technique used to protect and separate uses and site functions from one another for the purpose of decreasing adverse noise, wind, or visual impacts and to provide privacy. The need for screening should be considered early in the design process so that screening elements (e.g., walls, fences, berms, landscaping) can be effectively integrated into the overall project design and not added later as an afterthought.

2. The method of screening should be compatible with the adjacent structure in terms of overall design, materials, and color.

3. Where screening is required at the ground level, a combination of elements should be considered including solid masonry walls, wood fences, berms, and landscaping.

E. Refuse, storage, and equipment areas.

1. Refuse containers, service areas, loading docks, and similar facilities should be located in areas out of view from the general public and so that their use does not interfere with on-site parking or circulation areas, and adjacent uses, especially residential uses.

2. Trash bins shall be fully enclosed. Enclosures should be screened with landscaping on their most visible sides. Recommended locations include inside parking courts or at the end of parking bays. Locations should be conveniently accessible for trash collection and maintenance and should not block access driveway during loading operations.

3. Trash storage areas that are visible from the upper stories of adjacent structures should have an opaque or semi-opaque horizontal cover/screen to mitigate unsightly views. The covering structure should be compatible with the site's architectural style.

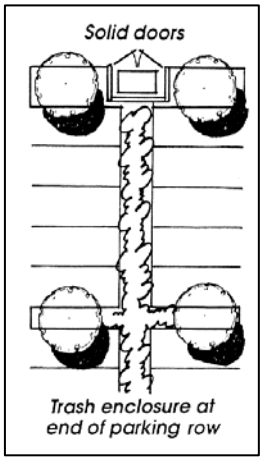


Figure 2-7- Trash Enclosure Location

4. All screening facilities should be of adequate size for their intended purpose without dominating the site, blocking sight distances, or creating unnecessary barriers.

F. General building design guidelines.

1. Compatibility with context. New buildings should be in proportion to surrounding buildings, except in those cases where current buildings are oversize. Harmony in mass, lines, and materials is important but monotony should be avoided. Buildings should be designed so that adverse impacts on adjacent buildings and properties are minimized. Loss of natural lighting, shade trees, noise pollution, and exhaust fumes and heat from venting should be addressed during project review, and all possible efforts should be made to avoid these effects.

2. Facade design. Building facades should be designed to provide visual interest and relief. Continuous street facades, as near the street as possible with predominantly retail uses at grade and office/professional uses above, are encouraged. Buildings should not be overpowering or monotonous. A change in the planes of walls or variety in the roof form provides diversity and visual interest.

3. Building materials.

a. Artificial or decorative facade treatments, where one or more unrelated materials appear to be simply applied to the surface of a building rather than an integral part of its design, should be avoided. Materials should be used honestly. Artificial products that attempt to imitate real materials (for example, wood, stone, brick, etc.) are discouraged.

b. The composition of materials should avoid creating the impression of thinness and artificiality. Veneers should turn corners, avoiding exposed edges.

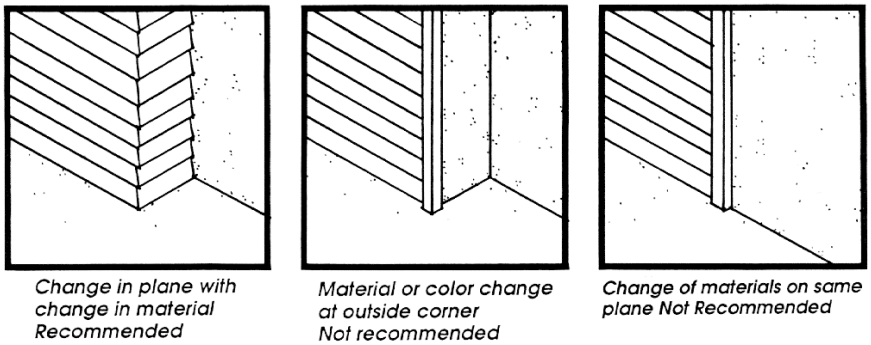


Figure 2-8 - Building Materials at Wall Edges

c. Natural building materials (e.g., wood, stone, and brick) that blend with the natural surroundings should be used. Other materials should be reviewed on a case-by-case basis. Buildings should minimize the use of large expanses of reflective glazing, aluminum panels, and other materials not normally found in Lodi. Synthetic materials that attempt to simulate the textures or patterns of other materials (e.g., vinyl siding that attempts to simulate the pattern of woodgrain) should not be used.

4. Colors.

a. Colors should be compatible with the existing colors of the surrounding area but need not duplicate existing colors. The use of muted tones for the structure's base color is recommended. Color should not be used as an attention getting device.

b. Accent colors should be used carefully and be complementary to the base color or a variation of its hue, either weaker or stronger.

c. The transition between base and accent colors should relate to changes in building materials or the change of building surface planes. Colors should generally not meet or change without some physical change or definition to the surface plane.

d. In most cases, only one or two accent colors should be used in addition to the base color.

G. Subdivisions. Subdivisions of commercial, industrial, and multi-family residential properties should be designed to allow coordinated development of the parcels, facilitate shared parking and common driveways, reduce encroachments onto public and private streets, and promote pedestrian activity.

CHAPTER 17.18 - RESIDENTIAL ZONING DISTRICTS

Sections:

17.18.010 - Purpose of Chapter
17.18.020 - Purposes of Residential Zoning Districts
17.18.030 - Residential Zoning District Land Uses and Permit Requirements
17.18.040 - Residential Zoning District General Development Standards
17.18.050 - Residential Design Guidelines

17.18.010 - Purpose of Chapter

This Chapter lists the uses of land that may be allowed within the residential zoning districts established by Section 17.10.020 (Zoning Districts Established). It also determines the type of land use permit/approval required for each use, and provides general standards for site development.

17.18.020 - Purposes of Residential Zoning Districts

The residential zoning districts are intended to provide for a range of housing types and densities for all economic segments of the community while emphasizing high quality development and home ownership (General Plan, Housing Element). The purposes of the individual residential zoning districts and the manner in which they are applied are as follows.

A. **RLD (Low-Density Residential) District.** The RLD zoning district is intended for areas appropriate for the development of single-family detached, two-family, and three-family homes. All interior lots are restricted to single-family homes. Corner lots can have one-, two-, or three-family homes. The maximum allowable residential density is 8.0 dwelling units per acre. The RLD zoning district is consistent with the Low-Density Residential land use designation of the General Plan.

B. **RMD (Medium Density Residential) District.** The RMD zoning district is intended for areas appropriate for a mix of housing types. Typical residential land uses include single- and multi-family dwelling units, either attached or detached. The maximum allowable residential density ranges from 8.1 to 20 dwelling units per acre. The RMD zoning district is consistent with the Medium Density Residential land use designation of the General Plan.

C. **RHD (High Density Residential) District.** The RHD zoning district is intended for areas appropriate for high density multi-family dwelling units. The maximum allowable residential density ranges from 15 to 35 units per acre. The RHD zoning district is consistent with the High Density Residential land use designation of the General Plan.

17.18.030 - Residential Zoning District Land Uses and Permit Requirements

Table 2-4 identifies the uses of land allowed by this Development Code in each residential zoning district, and the land use permit required to establish each use, in compliance with Section 17.12.030 (Allowable Land Uses and Permit Requirements).

Note: where the last column in the tables ("Specific Use Regulations") includes a section number, the regulations in the referenced section apply to the use; however, provisions in other sections of this Development Code may also apply.

Residential Zoning Districts

TABLE 2-4 **Residential Zones - Allowed Uses and Permit Requirements**	**A** Allowed Use **UP** Use Permit required **MUP** Minor Use Permit required **—** Use not allowed			
Land Use	**PERMIT REQUIRED BY DISTRICT**			**Specific Use Regulations**
	RLD	**RMD**	**RHD**	
AGRICULTURE & OPEN SPACE				
Production of crops	A	A	A	
RECREATION, EDUCATION, & PUBLIC ASSEMBLY USES				
Community centers	UP	UP	UP	
Health/fitness facility	—	—	UP	
Libraries, museums, galleries	UP	UP	UP	
Parks and playgrounds	UP	UP	UP	
Religious facilities	UP	UP	UP	
Schools – private	UP	UP	UP	
RESIDENTIAL USES				
Accessory uses (Residential)	A	A	A	17.36.120
Caretaker quarters	—	A	A	
Home occupations	MUP	MUP	MUP	17.36.060
Live/work projects	—	UP	UP	
Mobile home/RV park	—	—	UP	17.36.070
Multi-family dwellings (3 or more units)	—	A	A	
Seasonal Farmworker Housing	—	A	A	
Second dwelling units	A	A	A	17.36.130
Single family dwellings	A	UP	UP	
Transitional and Supportive Housing	—	A	A	
Two family dwellings	—	A	A	
RETAIL TRADE				
Animal keeping	A	A	A	Municipal Code Chapter 6
SERVICES				
Community Care Facilities				
Residential care facility (6 or fewer)	A	A	A	17.36.040
Residential care facility (7 or more)	—	UP	UP	17.36.040
Small family day care home (up to 8)	A	A	A	17.36.030
Large family day care home (9 to 14)	MUP	MUP	MUP	17.36.030
Day care center	—	—	UP	17.36.030

17.18.040 - Residential Zoning District General Development Standards

Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Table 2-5, in addition to the applicable development standards (e.g., landscaping, parking and loading, etc.) in Article 3 (Site Planning and General Development Standards).

TABLE 2-5 - RESIDENTIAL DISTRICT GENERAL DEVELOPMENT STANDARDS

Development Feature	Requirement by Zoning District		
	RLD	**RMD**	**RHD**
Minimum lot size	*Minimum area, width, and depth required for new parcels.*		
Area - Single Family	5,000 sq. ft.	5,000 sq. ft.	4,000 sq. ft.
Area - 2-Family	6,000 sq. ft.(2)	5,000 sq. ft.	4,000 sq. ft.
Area - Multi-Family		8,000 sq. ft.	8,000 sq. ft.
Minimum lot area per unit	*Minimum lot area per unit determines the maximum number of dwellings that may be allowed on a parcel where this Chapter allows more than one dwelling unit per parcel.*		
Single Family	5,000 sq. ft.	5,000 sq. ft.	4,000 sq. ft.
2-Family	3,000 sq. ft.(2)	3,000 sq. ft.	2,000 sq. ft.
Multi-Family		4,000 sq. ft. for 1st unit plus 2,000 sq. ft. for each additional unit	5,000 sq. ft. for 1st unit plus 1,000 sq. ft. for each additional unit
Density(1)	Up to 8 du/ac	8.1 to 20 du/ac	15 to 35 du/ac
Lot Street Frontage Width	50’	50’ for one dwelling 60’ for two dwellings	50’ for one dwelling 60’ for two dwellings
Setbacks	*Minimum and, where noted, maximum setbacks required. See Section 17.14.060 for exceptions to these requirements.*		
Front	15 ft.		
Sides (each)	5 ft.(3)		
Street side	10 ft.		
Rear	10 ft.		
Garage	20 ft. from any property line abutting a street, 5 ft. from alley		
Site coverage	45%	50%	60%
Height limit	2 stories; not to exceed 35 ft.		4 stories, not to exceed 60 ft.
Landscaping	As required by Chapter 17.30 (Landscaping)		
Parking	As required by Chapter 17.32 (Parking and Loading)		

Notes:

(1) Maximum number of dwellings allowed per gross acre in a residential development. Where a density range is shown, development may be allowed at any density within the range, provided that the project complies with all applicable Development Code provisions, and any applicable objectives, policies, and programs of the General Plan. The actual number of units allowed is determined through the applicable subdivision or land use permit process, and there is no guarantee that the maximum density may be achieved.

(2) Corner lots only

(3) 5 feet for porch.

17.18.050 - Residential Design Guidelines

A. Purpose of Chapter

The design character of Lodi's residential neighborhoods is as diverse as the different time periods during which they were developed. The guidelines provided here are intended to assist project designers and property owners in understanding and implementing the City's goals for attaining high quality residential development. They are also intended to help preserve the traditional character of the City's older neighborhoods.

These guidelines are intended to encourage well designed residential neighborhoods that people enjoy living in, which: reduce the visual dominance of the automobile; promote pedestrian activity; create variety and interest in the appearance of residential streets; provide community open space; and protect significant features of the natural environment.

B. Applicability

These guidelines apply to the design of new residential subdivisions and to multi-family and clustered residential projects. Guidelines are also provided for vacant infill parcels and single-family homes that are proposed as replacement structures within established neighborhoods. See also Section 17.16.020 (Applicability).

C. Subdivision Design and General Residential Project Principles

The following guidelines apply to new residential subdivisions, and address how new residential subdivisions should relate to their surroundings.

1. Develop "neighborhoods." Each new residential project should be designed to integrate with the surrounding neighborhood to ensure that it maintains the established character. Subdivisions in City expansion areas should be designed so that individual, separately developed projects work together to create distinct neighborhoods, instead of disjointed or isolated enclaves.

2. Integrate open space. New subdivisions adjacent to planned or existing parks or other public open spaces (e.g., creeks, riparian areas), or the landscaped grounds of schools or other public facilities should maximize visibility and pedestrian access to these areas. Where these facilities are not already planned, the subdivision should be designed to provide usable public open spaces in the form of parks, linear bicycle and pedestrian trails, squares, and greens, as appropriate.

3. **Edges.** "Gated communities," and other residential developments designed to appear as continuous walled-off areas, disconnected and isolated from the rest of the community, are strongly discouraged. While walls and fences may be useful for security, sound attenuation and privacy, these objectives can often be met by creative design that controls the height and length of walls, develops breaks and variations in relief, and uses landscaping for screening.

4. **Scale.** New residential subdivisions, and groups of subdivisions that, in effect, collectively create a new neighborhood, should be designed to provide a "walkable" scale, that places all homes within 1/4 mile of neighborhood shopping opportunities, a neighborhood park, or a public facility that can serve as a "center" for the neighborhood. Ideally, each neighborhood should have a center that includes all three facilities.

5. **Site planning.** Residential subdivision and multi-family project site planning should emphasize the needs of pedestrians and cyclists rather than cars

   a. **Street layout.** New public streets and sidewalks should be aligned with, and be connected to those of adjacent developments to interconnect the community.

      (1) **Pedestrian orientation.** Subdivision design should emphasize pedestrian connectivity within each project, to adjacent neighborhoods, nearby schools and parks, and to transit stops within 1/4-mile of planned residential areas. All streets and walkways should be designed to provide safe and pleasant conditions for pedestrians, including the disabled, and cyclists.

      (2) **Block length.** The length of block faces between intersecting streets should be as short as possible, ideally no more than 400 feet, to provide pedestrian connectivity.

      (3) **Street width and design speed.** Streets within neighborhoods should be no wider than needed to accommodate parking and two low-speed travel lanes. Streets in new subdivisions should be designed to accommodate traffic speeds of 25 miles per hour or less, with most streets in a subdivision designed for lower speeds.

      (4) **Parkway/planting strips.** Sidewalks should be separated from curbs by parkway strips of at least five feet in width. The parkways should be planted with canopy trees at a 20-foot interval, or as appropriate to the species of the selected street tree, to produce a continuously shaded sidewalk. The parkways should also be planted with ground covers and other plant materials that will withstand pedestrian traffic.

      (5) **Access to open areas.** Single-loaded streets (those with residential development on one side and open space on the other) should be used to provide public access to, and visibility of natural open spaces, public parks, and neighborhood schools, as well as a means for buffering homes from parks and schools.

      Where single-loaded streets are not feasible or desirable, other methods that provide similar access and visibility may be used, including private streets, bike and pedestrian paths, or the placement of private common open space or recreation facilities adjacent to the public open space.

(6) **Cul-de-sac streets.** The use of cul-de-sac streets should be avoided wherever possible. If cul-de-sacs are necessary, the end of each cul-de-sac should provide a pedestrian walkway and bikeway between private parcels to link with an adjacent cul-de-sac, street, and/or park, school, or open space area.

(7) **Alleys.** Alleys may be provided for garage access, otherwise individual lots should be wide enough to accommodate a side yard driveway to a detached garage at the rear of the lot, so that appearance of the street frontage is not dominated by garages and pavement.

b. **Open space and natural features.** Providing open space and integrating natural features into a residential project can significantly increase the appreciation of residents in their neighborhoods, provide safe places for children and families to play, and maintain a strong sense of connection with the surrounding natural environment in the city as a whole.

(1) Natural amenities (such as views, mature trees, creeks, riparian corridors, and similar features) should be preserved and incorporated into proposed development to the greatest extent feasible.

(2) Development adjacent to parks or other public open spaces should be designed to provide maximum visibility of these areas.

6. **Exterior finish materials.** Exterior finish materials should be durable and require low maintenance. The use of combined materials (such as stucco and wood siding) can provide visual interest and texture; however, all sides of each single-family dwelling or multi-family structure should employ the same materials, design details, and window treatment. Each residential structure should have a carefully designed and detailed facade facing the street, and should not use bland, featureless stucco or other simple materials on the other exterior building walls. Each residential structure should look like the same building from all sides.

7. **Windows.** Where one or more windows are proposed 10 feet or less from a side lot line, or within 10 feet of another dwelling, the windows should be located and/or screened to provide privacy for the residents of both structures. In some cases, glass block or translucent glass may be appropriate to provide light, but also provide privacy between buildings.

8. **Garages and carports.** Accommodating vehicle storage in both single-family dwellings and multi-family projects should avoid the common problem of creating streets that appear garage- and driveway-dominated.

a. In the limited instances where an exception is granted for a setback to a garage of less than 20 feet from a property line or internal driveway, the garage shall be equipped with a roll-up door. This requirement is intended to discourage vehicles from parking in front of garages and blocking the adjacent driveway or sidewalk.

b. Where carports are provided, they may be bordered by patio walls, or used to define public and private open space, but should not be located adjacent to perimeter streets. Each carport end should be screened by a low wall, berm, and/or landscaping.

c. Where multiple garages are located together, landscaped tree wells should be placed between every two garage doors. Each tree well should be a minimum of 25 square feet.

d. Carports and detached garages should be designed as an integral part of a project. Their materials, color, and details should be the same as the principal structures. Carports may have flat roofs but should not project above the exterior walls of any buildings adjacent to streets. Prefabricated metal or canvas tent-like carports are not acceptable. Where garages are utilized, doors should appear set into walls rather than flush with the exterior wall.

e. The use of quality materials, windows, and features with horizontal and vertical relief are encouraged to add interest and character to the design of garage doors and to coordinate their design with the architecture of the primary residence.

D. Infill Development

The following guidelines apply to "infill development." That is, multi-family structures or individual houses that entirely replace existing units or are constructed on vacant parcels between existing units. The guidelines are intended to provide for infill projects of high architectural quality that are compatible with existing development. They are also intended to promote the conservation and reuse of existing older houses, and to preserve the historical character of the City's older neighborhoods. Preservation and rehabilitation efforts in the older neighborhoods should protect the architectural features of a home that identify its individual style and contribute to the character of the area.

1. General principles. Infill residential development should:

a. Be compatible in scale, siting, detailing, and overall character with adjacent buildings and those in the immediate neighborhood. This is crucial when a new or remodeled house is proposed to be larger than others in the neighborhood. When new homes are developed adjacent to older ones, the height and bulk of the new construction can have a negative impact on adjacent, smaller scale buildings.

b. Continue existing neighborhood patterns. For example, patterns such as front porches and entries facing the street, finished floor height, and garages located at the rear of lots.

2. Building design. An infill residential structure should incorporate the traditional architectural characteristics of existing houses in the neighborhood, including window and door spacing, exterior materials, roof style and pitch, ornamentation and other details.

3. Visual impacts from building height. The height of infill projects should be consistent with of surrounding residential structures. Where greater height is desired, an infill structure should set back upper floors from the edge of the first story to reduce impacts on adjacent smaller homes, and to protect solar access. See Figure 2-9.

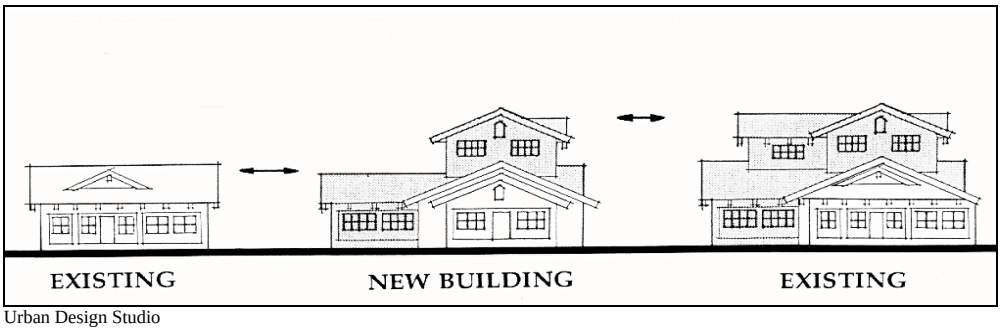


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Figure 2-9 - Appropriate Infill Building Massing

4. **Outdoor living areas.** The use of balconies, verandas, porches, and courtyards within the building form of infill structures is strongly encouraged.

5. **Exterior finish materials.** The thoughtful selection of building materials can enhance desired neighborhood qualities such as compatibility, continuity, and harmony. The design of infill residential structures should incorporate an appropriate mixture of the predominant materials found in the neighborhood. Common materials in Lodi are smooth, troweled, or sand-finished stucco, wood, horizontal clapboard siding, brick, and stone.

6. **Exterior colors.** Color schemes for infill residential structures should consider the colors of existing houses in the neighborhood, to maintain compatibility.

E. Single-Family Housing Design (Including Additions/Renovations)

1. **Houses in new subdivisions.** The site planning of lots and the design of houses constructed in new subdivisions should help create neighborhoods that are oriented more toward pedestrians than automobiles. Subdivisions of new homes should comply with the following guidelines.

   a. Subdivisions should provide variety in the architectural detailing, size, and massing of houses on each block.

   b. Houses should be located no further from the street than the minimum setback allowed by the applicable zoning district, except to provide variations in the alignment of houses along a block.

   c. All houses should have their primary entrance facing and clearly visible from the street, with a front porch or verandah encouraged to provide a transition between the public space of the streetscape and the indoor private space of the house.

   d. When viewed from the street, a garage should be visually subordinate to the living space within the house that addresses the street. Ideally, a garage should be detached from the house, located at the rear of the lot, and accessed by an alley, or a shared driveway from the street fronting the lot. Where this arrangement is not appropriate, the front of an attached garage should be set back from the front of the house (at least 15 feet is recommended where the lot area permits).

2. **Infill development.** New single-family homes proposed on infill lots should comply with the guidelines for infill residential development in Section 17.18.050.D (Infill Development).

3. Additions and alterations in older neighborhoods. The following guidelines apply to additions and the rehabilitation, remodeling, or alteration of existing single-family houses in Lodi's older neighborhoods. While these guidelines apply to all houses, those that are designated as cultural resources may be subject to more strict standards.

a. Additions. Additions to residential structures built before 1950 should respect the architectural style, detailing, scale, and composition of the original building so that they look integrated with the original structure, rather than a tacked-on afterthought. Modifications (e.g., additions, seismic strengthening, replacement of windows or siding material, and new entrances) should not compromise the integrity of historically authentic features, materials, or finishes. Additions should also be designed with consideration for the design and massing of adjacent residences, to promote neighborhood compatibility. See Figure 2-10.

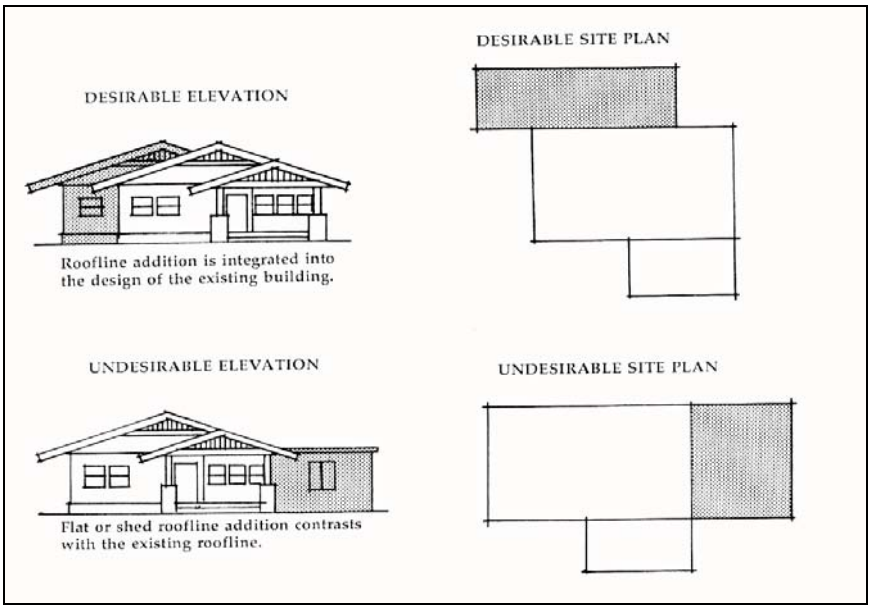

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Figure 2-10 Additions to Existing Homes

(1) Roof changes. The roof features of a residential structure, especially its style, materials and pitch, are important architectural elements that must be considered when planning an addition. The roof style, pitch and materials on the addition should match the original.

(2) Additional floors. Adding a story to an existing house will change the building proportions and should be carefully designed to follow similar multi-story examples of the particular architectural style found in the neighborhood. In some cases, integrating the new story addition may require that it be set back or "stepped" back from the front facade so that it is less noticeable from the street.

b. Alterations - Restoration and remodeling. The rehabilitation of older buildings should aim to retain and restore their original elements. If damage or deterioration is too severe, the element should be recreated using original materials to match the design, color, texture and any other important design features. See Figure 2-11.

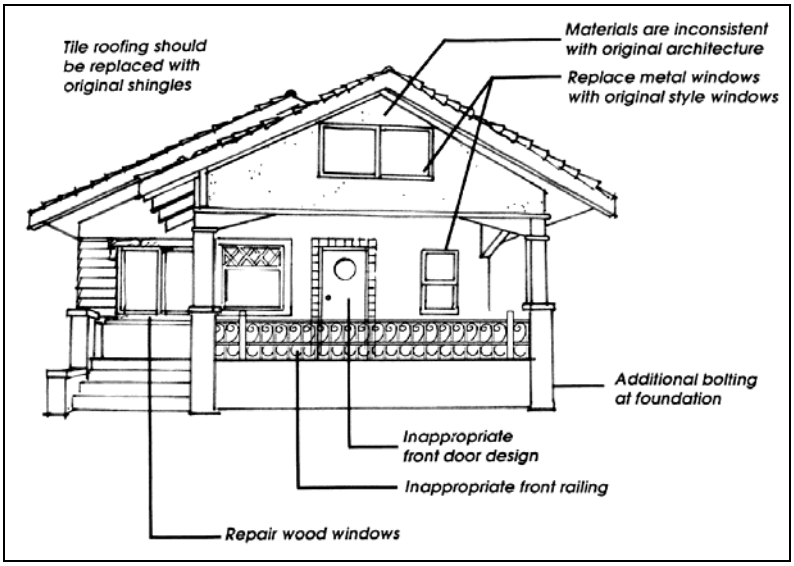

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Figure 2-11 Remodeling Features

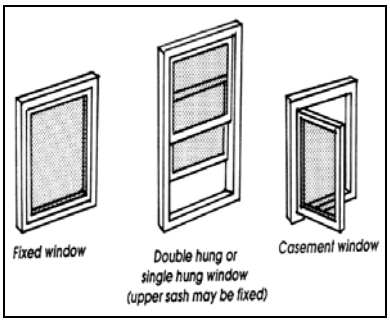
When replacement is necessary and materials similar to or consistent with original materials cannot be obtained, substitute materials should incorporate design, colors and textures that convey the traditional appearance of the original material.

c. Exterior materials. Original exterior building materials should be retained whenever possible. Mismatched materials of different sizes, shapes, textures, or finishes should be avoided.

(1) Wood siding. Residential buildings with original wood clapboard siding should not be stuccoed in an attempt to "modernize" their appearance.

(2) Brick surfaces. Brick surfaces should not be sandblasted to remove old paint, nor should they be covered with stucco or other siding materials. Sandblasting will damage the natural fired surface of the brick and cause it to lose its water repellent qualities. Paint should be removed by chemical stripping. Brick that was not intended to be painted as part of a building's original design should not be painted over.

d. Windows. Most older residential structures have wood-framed windows that are either fixed, double hung, or casement. Window replacements or additions should also use the original type of window. It is strongly recommended that aluminum frame windows not be used as replacements in any residential structure unless they were part of the original design. See Figure 2-12.



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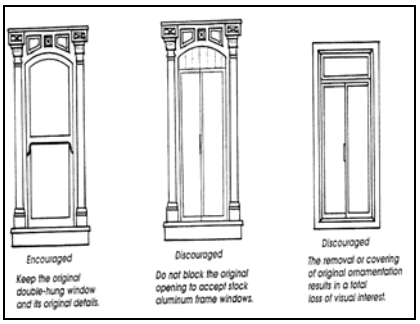

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Figure 2-12 Window Types and Treatments

e. Doors. Many of Lodi's older homes have solid wood doors consistent with the particular architectural style of the building. The front door is typically the most ornate, with secondary doors usually more utilitarian in appearance. The size, shape and style of doors is an important feature of all historical architectural styles, and the original type and design should continue to be used. See Figure 2-13.

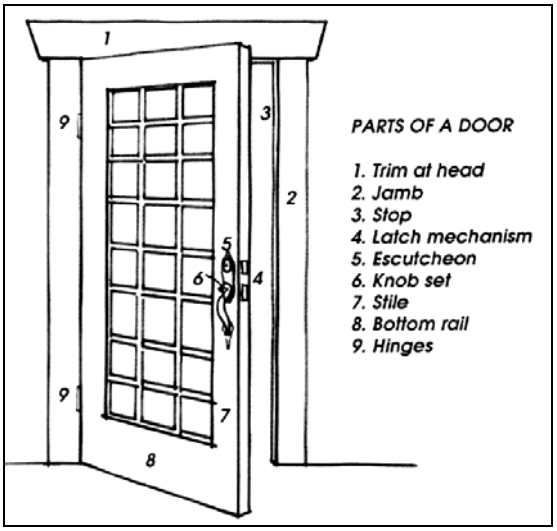

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Figure 2-13 Door Features

If the original door is missing, an appropriate design should be selected through the study of the doors of similar residential structures in the neighborhood, or by consulting books on architectural styles. Some older-style panel doors can be obtained from material suppliers, and may closely match original doors.

f. Porches and stairs. During rehabilitation efforts, the design integrity of the front porch should be maintained. The installation of wrought iron or aluminum railings should be avoided, as a change in the structural or decorative elements of the front porch will usually compromise the architectural integrity of the entire building. Restoring an older building's architectural integrity may require "undoing" previous porch alterations. See Figures 2-14 and 2-15.

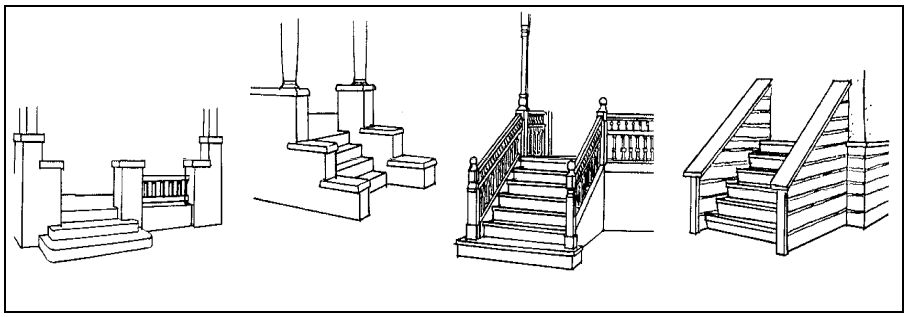

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Figure 2-14 Appropriate Porch Stairway Designs

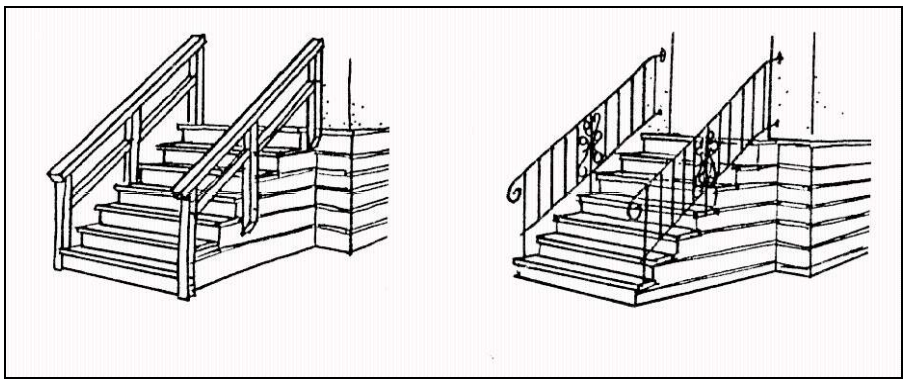

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Figure 2-15 Inappropriate Porch Stairway Designs

g. Ornamentation and trim. The authentic decoration and trim of a residential structure lends character and identifies the building with a particular architectural style. Care should be taken in handling these materials during renovation because they are critical components.

h. Roofs. Care should be taken to ensure that roofing materials are compatible with the original style of the structure.

F. Multi-Family and Clustered Housing Design

Multi-family and clustered housing projects are generally more dense than single-family developments, and tend to generate larger parking areas and provide less private open space. If not properly designed, parking can dominate a site, and open space may only be provided as “left over” areas, unrelated to other project features, not usable for outdoor activities, and that expose residents to uncomfortable noise levels. Multi-family projects surrounded by high walls, parking lots and/or rows of carports along streets are inappropriate in Lodi and should be avoided. These guidelines address higher density developments through appropriate guidelines for site planning, parking and circulation layout, building design, and landscaping.

1. Site planning. Site planning for a multi-family or clustered housing project should create a pleasant, comfortable, safe, and distinct place for residents, without the project "turning its back" on the surrounding neighborhood

a. The placement of new units should consider the existing character of the surrounding residential area. New development should respect the privacy of adjacent residential uses through appropriate building orientation and structure height, so that windows do not overlook and impair the privacy of the indoor or outdoor living space of adjacent units.

b. Multi-family units should be clustered. A project of more than 10 units outside the Downtown should separate the units into structures of six or fewer units. See Figure 2-16.

Figure 2-16 – Clustered multi-family units

c. Multi-family structures should be set back from adjacent public streets consistent with the prevailing setback pattern of the immediate neighborhood.

d. Multi-family projects with densities less than 30 units per acre should be comprised of "walk-up" rather than "stacked" units, with each unit adjacent to a street having its primary pedestrian entrance from the street sidewalk. Higher density projects should be designed either with ground floor units having individual sidewalk entrances, or as courtyard projects with at least one significant pedestrian entrance from the street sidewalk. Where individual units have access to the street sidewalk, private "front yard" outdoor space may be differentiated from the public right-of-way by a porch, or small yard enclosed by a low fence. See Figures 2-17 and 2-18.

Figure 2-17 – Most ground floor units should have entrances facing the street

e. Residential units and activity areas not adjacent to a street should be accessible via pedestrian walkways and bikeways separate from vehicle parking areas and driveways. See Figure 2-18.

Figure 2-18 – Walkways separate from vehicle access

2. Parking and driveways. Individual closeable garages are the preferred method for providing parking for residents in multi-family projects. If garages within the residential structures are not provided, dispersed parking courts are acceptable.

a. Long, monotonous parking drives and large, undivided parking lots are discouraged.

b. The main vehicle access into a multi-family site should be through an attractive entry drive. Colored and textured paving treatment is encouraged outside of the public street right-of-way, and within the project.

c. Parking areas should be visible from the residential units to the extent possible.

d. Safe and protected bicycle parking should be located convenient to each dwelling unit.

e. Parking courts, with or without carports, should not consist of more than two double-loaded parking aisles (bays) adjacent to each other. The length of a parking court should not exceed the width of eight adjoining stalls.

f. Parking courts should be separated from each other by buildings within the project or by landscape or natural open space areas at least 30 feet wide.

g. Large scale multi-family projects (i.e., more than 20 units) with internal streets should have the streets designed as if they were pleasant public streets, with comprehensive streetscapes including sidewalks, and planting strips between curb and sidewalk with canopy trees.

h. Private storage cabinets shall be provided in all car ports.

3. Multi-family project architecture. The exterior design of multi-family projects should be derived from architectural styles in the surrounding neighborhood. Often, these types of projects are adjacent to single family neighborhoods, and care in design should ensure that the height and bulk of the higher density projects do not impact adjacent lower density residential areas.

a. Facade and roof articulation. A structure with three or more attached units should incorporate significant wall and roof articulation to reduce apparent scale. Changes in wall planes and roof heights, and the inclusion of elements such as balconies, porches, arcades, dormers, and cross gables can avoid the barracks-like quality of long flat walls and roofs. Secondary hipped or gabled roofs covering the entire mass of a building are preferable to mansard roofs or segments of pitched roof applied at the structure's edge. Structures (including garages and carports) exceeding 150 feet in length are discouraged. See Figures 2-17 and 2-19.

b. Scale. Because multi-family projects are usually taller than one story, their bulk can impose on surrounding uses. The larger scale of these projects should be considered within the context of their surroundings. Structures with greater height may require additional setbacks at the ground floor level and/or upper levels (stepped-down) along the street frontage so they do not shade adjacent properties or visually dominate the neighborhood. Large projects should be broken up into groups of structures, and large single structures should be avoided. See Figure 2-19.

c. Balconies, porches, and patios. The use of balconies, porches, and patios as part of multi-family structures is encouraged for both practical and aesthetic value. These elements should be used to break up large wall masses, offset floor setbacks, and add human scale to structures. Multi-family units with individual access to the street sidewalk should have individual covered porches. See Figure 2-19.

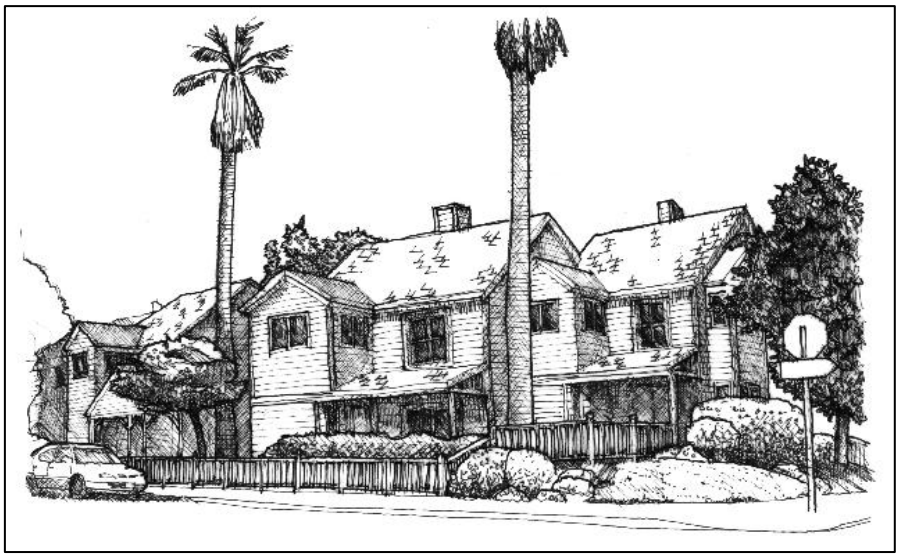

Figure 2-19

d. **Dwelling unit access.** The use of balconies and corridors to provide access to five or more units should be avoided. Access points to units should instead be clustered in groups of four or less. To the extent possible, main entrances to individual units should be from adjoining streets. Distinctive architectural elements and materials should be used to highlight primary entrances.

e. **Exterior stairways.** Stairways providing access to the upper levels of multi-family structures should be located mostly within the buildings themselves. Where exterior stairways are necessary, they should provide residents and visitors protection from weather, and should be of stucco, plaster or wood, with accent trim to match the main structure. Thin-looking, open metal, prefabricated stairs that are not integrated with the design of the structure are discouraged.

f. **Accessory structures.** Accessory structures should be designed as an integral part of a project. Their materials, color, and details should be the same as the principal structures on the site.

CHAPTER 17.20 - COMMERCIAL ZONING DISTRICTS

Sections:

17.20.010 - Purpose of Chapter
17.20.020 - Purposes of Commercial Zoning Districts
17.20.030 - Commercial Zoning District Land Uses and Permit Requirements
17.20.040 - Commercial Zoning District General Development Standards
17.20.050 - Commercial Design Guidelines

17.20.010 - Purpose of Chapter

This Chapter lists the uses of land that may be allowed within the commercial zoning districts established by Section 17.10.020 (Zoning Districts Established), determines the type of land use permit/approval required for each use, and provides basic standards for site development.

17.20.020 - Purposes of Commercial Zoning Districts

The commercial zoning districts are intended to provide for a range of local-serving and regional-serving commercial uses, emphasizing high quality development, and to encourage revitalization of existing commercial land uses. The purpose of the individual commercial zoning districts and the manner in which they are applied are as follows.

A. **CC (Community Commercial) District.** The CC zoning district is applied to areas suitable for a full range of retail, wholesale, and service uses including retail stores, apparel stores, specialty shops, shopping centers and home furnishings. The maximum floor area ratio (FAR) is 0.4. The CC zoning district is consistent with the Neighborhood/Community Commercial land use designation of the General Plan.

B. **GC (General Commercial) District.** The GC zoning district is applied to areas appropriate for a range of community serving commercial, regional retail, and service land uses. The FAR is 0.6. The GC zoning district is consistent with the General Commercial land use designation of the General Plan.

C. **O (Office).** The O zoning district is applied to areas appropriate for administrative, financial, business, professional, and medical offices. Support commercial uses are also permitted, subject to limitations. The maximum FAR is 0.6. The O zoning district is consistent with the Office land use designation of the General Plan.

17.20.030 - Commercial Zoning District Land Uses and Permit Requirements

Table 2-6 identifies the uses of land allowed by this Development Code in the commercial zoning districts, and the land use permit required to establish each use, in compliance with Section 17.12.030 (Allowable Land Uses and Permit Requirements).

Note: where the last column in the tables ("Specific Use Regulations") includes a section number, the regulations in the referenced section apply to the use; however, provisions in other sections of this Development Code may also apply.

Commercial Zoning Districts

TABLE 2-6
Commercial Zones - Allowed Land Uses and Permit Requirements

A	**Allowed Use**
UP	**Use Permit required**
MUP	**Minor Use Permit required**
—	**Use not allowed**

Land Use	**PERMIT REQUIRED BY DISTRICT**					**Specific Use Regulations**
		CC	**GC**	**O**		
AGRICULTURE AND OPEN SPACE						
Production of crops		A	A	A		
RECREATION, EDUCATION, & PUBLIC ASSEMBLY USES						
Clubs, lodges, & membership halls		—	A	UP		
Community centers		—	A	UP		
Health/fitness facilities		UP	UP	UP		
Indoor amusement/entertainment facilities		UP	UP	—		
Indoor sports facilities		UP	UP	UP		
Libraries, museums, galleries		A	A	A		
Outdoor recreation facilities		UP	UP	—		
Religious facilities		—	UP	—		
Schools - Private		—	UP	UP		
Schools - Specialized education and training		UP	A	A		
Studios - Art, dance, martial arts, music, etc.		UP	A	UP		
RESIDENTIAL USES						
Caretaker quarters		—	—	UP		
Residential shelters		—	A	—		

Commercial Zoning Districts

TABLE 2-6 **Commercial Zones - Allowed Land Uses and Permit Requirements**				**A**	**Allowed Use**
				UP	**Use Permit required**
				MUP	**Minor Use Permit required**
				—	**Use not allowed**

Land Use	**PERMIT REQUIRED BY DISTRICT**					**Specific Use Regulations**
		CC	**GC**	**O**		
RETAIL TRADE						
Accessory retail uses		A	A	A		
Alcoholic beverage sales, off-site		UP	UP	—		
Alcoholic beverage sales, on-site		UP	UP	—		
Animal sales and grooming		A	A	—		
Art, antique, collectible, and gift stores		A	A	—		
Auto parts sales		A	A	—		
Auto sales and rental		—	A	—		
Building material stores		A	A	—		
Construction/heavy equipment sales and rental		—	A	—		
Convenience stores		A	A	A		
Drive-in and drive-through sales and services		UP	UP	UP		
Furniture, furnishings & appliance stores		A	A	—		
Gas stations		UP	UP	—		
General retail sales		A	A	—		
Grocery stores		A	A	—		
Mobile home and RV sales		—	A	—		
Night clubs, bars, and cardrooms		—	UP	—		
Plant nurseries and garden supply stores		A	A	—		
Restaurants		A	A	A		
Warehouse retail		A	A	—		

Commercial Zoning Districts

TABLE 2-6 **Commercial Zones - Allowed Land Uses and Permit Requirements**					**A** Allowed Use **UP** Use Permit required **MUP** Minor Use Permit required **—** Use not allowed	
Land Use	**PERMIT REQUIRED BY DISTRICT**					**Specific Use Regulations**
		CC	**GC**	**O**		
SERVICES – BUSINESS, FINANCIAL, PROFESSIONAL						
Automated teller machines (ATMs)		A	A	A		
Banks and financial services		A	A	A		
Business support services		A	A	A		
Medical - Clinics, offices, and laboratories		A	A	A		
Medical - Extended care		—	A	A		
Medical - Hospitals		—	—	A		
Offices		A	A	A		
Professional Services		A	A	A		
SERVICES						
Audio & video rental		A	A	—		
Auto repair and maintenance		—	UP	—		
Car wash		—	UP	—		
Community care facilities						
Residential care facility (6 or fewer)		—	—	—		17.36.040
Residential care facility (7 or more)		—	—	—		17.36.040
Small Family day care home (up to 8)		—	—	—		17.36.030
Large family day care home (9 to 14)		—	—	—		17.36.030
Day care center		UP	UP	UP		17.36.030
Hotels and motels		UP	UP	UP		
Mortuaries & funeral homes		—	A	UP		
Personal services		A	A	A		
Pharmacies		A	A	—		
Research and development		—	—	A		
Storage - indoor		—	UP	—		
Upholstering shops		—	UP	—		
Veterinary clinics, outpatient treatment only		A	A	A		
Veterinary clinics, animal hospitals, kennels		—	UP	—		

Commercial Zoning Districts

TABLE 2-6 **Commercial Zones - Allowed Land Uses and Permit Requirements**	**A**	**Allowed Use**
	UP	**Use Permit required**
	MUP	**Minor Use Permit required**
	—	**Use not allowed**

Land Use	**PERMIT REQUIRED BY DISTRICT**					**Specific Use Regulations**
		CC	**GC**	**O**		
INDUSTRIAL, MANUFACTURING & PROCESSING, WHOLESALING						
Recycling facilities						
Small collection facility		MUP	MUP	—		17.36.110
Large collection facility		—	—	—		17.36.110
TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE USES						
Broadcast studios		UP	UP	UP		
Parking facilities/vehicle storage		—	UP	—		
Telecommunications facilities		UP	UP	—		17.36.140
Utility Facility		UP	UP	UP		

17.20.040 - Commercial District General Development Standards

Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Table 2-7, in addition to the applicable development standards (e.g., landscaping, parking and loading, etc.) in Article 3, (Site Planning and General Development Standards).

TABLE 2-7 - COMMERCIAL DISTRICT GENERAL DEVELOPMENT STANDARDS

Development Feature	Requirement by Zoning District		
	CC	**GC**	**O**
Minimum lot size	*Minimum area, width and depth required for new parcels.*		
Area	2.0 acres	8,000 sq. ft.	8,000 sq. ft.
Width	—	75 ft.	75 ft.
Depth	—	100 ft.	100 ft.
Setbacks	*Minimum and, where noted, maximum setbacks required. See Section 17.30.070 for exceptions to these requirements.*		
Front	25 ft.	10 ft.	10 ft.
Sides (each)	25 ft.	None	None
Street side	25 ft.	None(1)	10 ft.
Rear	25 ft.	None(1)	10 ft.
Floor Area Ratio (FAR)	0.60		
Height limit	2 stories, not to exceed 35 ft.		
Landscaping	As required by Chapter 17.30 (Landscaping)		
Parking	As required by Chapter 17.32 (Parking and Loading)		
Enclosure requirement	All uses shall be conducted within a completely enclosed building unless the specific use and zone permit otherwise. Uses allowed in an applicable zone that are determined by the Director to require outdoor storage or activities (for example, vehicle sales lots, service stations, etc.) may be exempted from this requirement.		

Notes:
(1) No setback is required unless adjacent to a residential use or zone where the setback shall be 10 ft..

17.20.050 - Commercial Design Guidelines

A. Purpose

The commercial design guidelines in this Chapter are intended to assist in preserving and rehabilitating the commercial areas of Lodi. The guidelines are also intended to provide for infill commercial development of high architectural quality that is compatible with existing architecturally superior development, to promote the conservation and reuse of existing buildings of high quality design. While these guidelines are primarily oriented toward the downtown area, they are also designed to enhance and preserve the small town character of the City's other commercial areas.

B. Applicability

See Section 17.16.020 (Applicability of Design Guidelines).

C. Site Planning Outside of the Downtown

1. Building and parking location.

a. General placement principles. Buildings should generally be oriented parallel to streets and placed as close to the street as required setbacks permit. Buildings may be angled to create interesting juxtapositions if there is a specific design goal to be achieved. However, definition of the street edge is an important role for buildings that should be considered in design. Exceptions may occur for wider setbacks from the street if a compatible use is proposed (for example, outdoor dining or pedestrian rest area) or to maintain continuity with landscaped areas on adjacent properties.

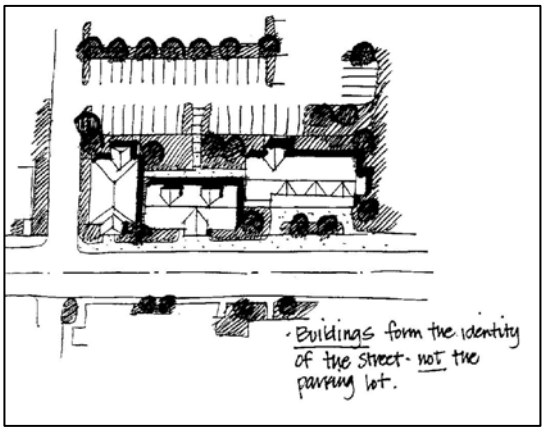

Figure 2-19 Building Placement at Street

b. Pedestrian orientation. The orientation of buildings should establish and maintain pedestrian-oriented street frontages. Buildings with high pedestrian use should face, and be directly accessible from the public sidewalk.

c. Vehicle-oriented areas. Buildings in areas of the City that rely more on the use of the automobile for access should be oriented to major open space and streetscape elements, and as much as possible should not be located behind parking lots located between the building and the street.

d. Corner buildings. Corner buildings should have a strong tie to the setback lines of each street. The primary mass of the building should not be placed at an angle to the corner. This does not preclude angled building corners or an open plaza at the corner which are strongly encouraged.

e. Projects with multiple structures. Multiple buildings in a single project should create a positive functional relationship with one another and the street. The first priority for multiple-building projects is to address the street with features that provide pedestrian interest and facilitate access to the project. Second, buildings should be clustered to achieve a "village" scale. This creates opportunities for internal plazas and pedestrian areas. When clustering is impractical, a visual link should be established between buildings. This link can be accomplished through the use of an arcade system, trellis, colonnade, and through enhanced paving.

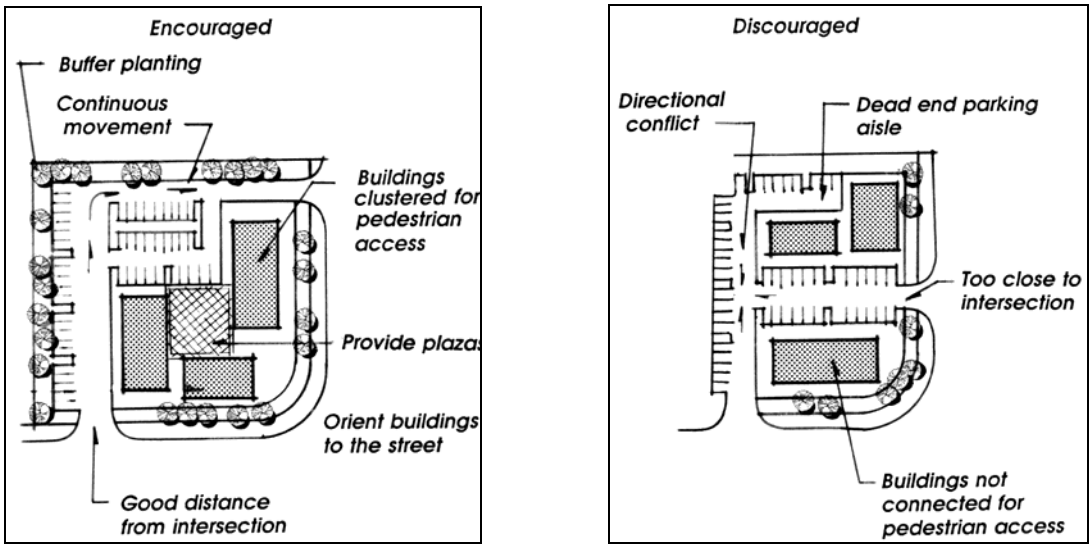

Figure 2-20 Location of Parking and Buildings

f. Open space areas. Open space areas should be accessible from the majority of structures, and should be oriented to take advantage of sun or shade as appropriate.

g. Pedestrian walkways. Projects should connect the on-site pedestrian circulation system to the off-site public sidewalk at intervals of at least one connection for each 200 linear feet (or fraction thereof). Parking areas should be connected to building entrances by means of enhanced paving (patterned or stamped).

2. Building Orientation

The organization and orientation of commercial buildings and spaces is crucial in creating streets that are welcoming and friendly to pedestrians. Active public spaces and city streets that are heavily used by pedestrians contribute to the character and economic vitality of the City. High levels of pedestrian activity — shopping, eating, “people watching,” exercising, strolling, relaxing, walking from place to place — are valued and encouraged throughout the City’s commercial areas. These activities create interest, provide a sense of safety on the street, and add to community image and identity. The following guidelines provide a framework for site organization and orientation of commercial land uses.

a. Street orientation.

(1) Building facades, including storefronts, should be designed to orient to the major street frontage, with the primary building entry also oriented toward the major street.

(2) Buildings on corners should include storefront design features for at least 50 percent of the wall area on the side street elevation.

(3) Long, blank, unarticulated street wall facades are strongly discouraged unless unavoidable because of specific site circumstances. Monolithic street wall facades should be "broken" by vertical and horizontal articulation, characterized by:

(a) Sculpted, carved or penetrated wall surfaces defined by recesses and reveals);

(b) Breaks (reveals, recesses);

(c) Window and door openings; or

(d) Balconies, awnings and canopies.

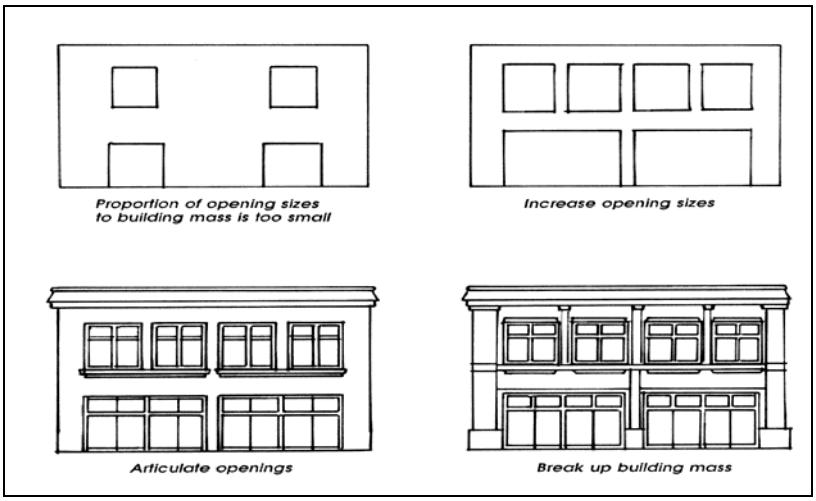

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Figure 2-21 Storefront Proportions

(4) Large unbroken facade surfaces should be avoided at the storefront level. This can be achieved in a number of ways including:

(a) Dividing the facade into a series of display windows with smaller panes of glass;

(b) Constructing the facade with small human scale materials such as brick or decorative tile along bulkheads;

(c) Providing traditional recessed entries;

(d) Careful sizing, placement and overall design of signage; and

(e) Providing consistent door and window reveals.

b. Street edge.

(1) The first floor of any infill commercial building should be built directly at the front property line C abutting the sidewalk C unless minor variations are permitted by the City for plazas, public art or other pedestrian-oriented purpose.

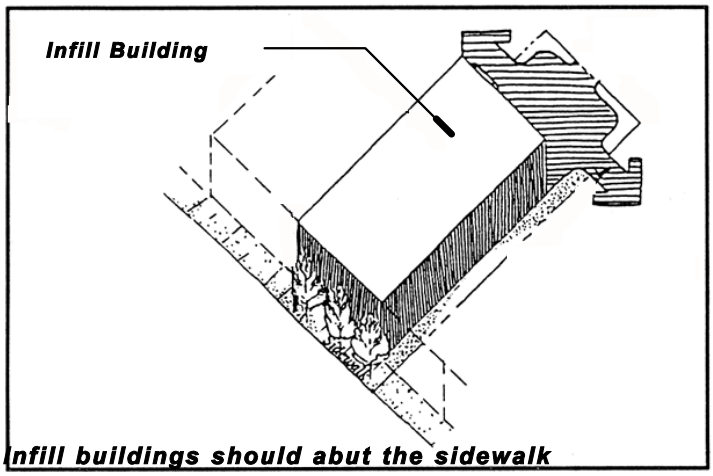

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Figure 2-22 Placement of Infill Buildings

(2) Awnings, trellises and other accessory structures that are relatively open and do not restrict pedestrian or vehicular movement may project over the right-of-way with City approval.

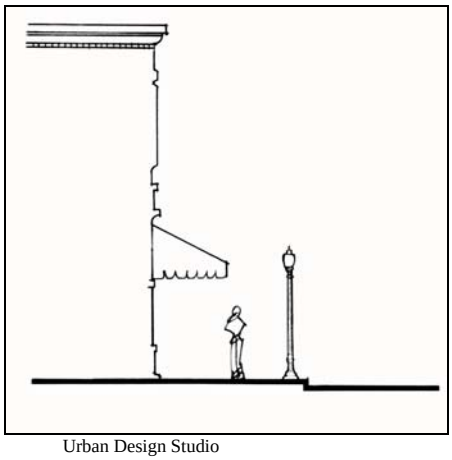

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Figure 2-23 Awnings Provide Pedestrian Scale and Comfort

(3) Any building located at a corner intersection should incorporate architectural features at the ground floor which emphasize the importance of pedestrian movement. These features may include building cut-offs, walk-through covered arcades, trellis structures and other elements which focus visual interest on the corners.

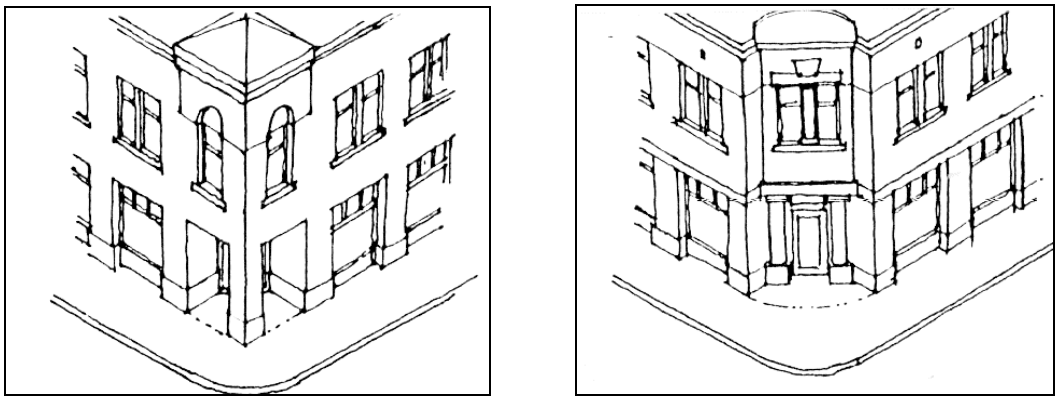

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Figure 2-24 Desirable Design Features for Street Corner Buildings

c. **Public spaces.** Public space associated with commercial buildings should serve as a transition from the outside to the inside of buildings, and should be supportive of pedestrian activity. Public areas should be designed so that all members of the public fee that they may enter, and should be designed as extensions of the public space of the sidewalk (e.g., by providing pedestrian amenities such as benches and fountains, and by continuing the hardscape of the sidewalk).

(1) Plazas.

(a) Plazas should be designed to supplement, rather than replace on-street activity areas. Paving and furniture used in private plazas should complement streetscape elements used in the public right-of-way.

(b) Retail shops, restaurants, offices or other activity-generating uses should be located at the edges of plazas; blank walls should be minimized adjacent to pedestrian spaces.

(c) Plazas should be designed with unimpeded lines-of-sight to and from the public sidewalk. Security fences, walls, and entry gates shall not block the sidewalk edge of the plaza or views into the plaza. At least 15 feet of building frontage should be transparent or visually penetrable to provide entry to and views into the plaza.

(d) Entries to a plaza, and storefront entries within the plaza, should be designed and lit so they do not create hiding places.

(e) Visual features, such as public art or a fountain, should be incorporated in plazas to attract pedestrians.

(f) Seating should be provided at a ratio of at least one seating area for each 100 square feet of plaza, in addition to any outdoor dining areas.

(g) Plazas, including all entrances and exits, should be fully illuminated one-half hour after sunset to one-half hour before sunrise to facilitate natural surveillance opportunities and to discourage illegitimate activities. Lighting should be designed to help define, order and further develop the design concept of the space in a manner that appears welcoming to pedestrians.

(h) Signs or other mechanisms should identify that the plaza is available for public use during business hours.

(i) Security gates and security fencing may not be used in plazas, except as may be permitted by the Review Authority when granting the land use permit for the project, based on a determination that unusual circumstances justify their use.

(2) Entry courtyards. Where used, courtyards should:

(a) Include focal elements of sculpture, water, plantings and seating niches.

(b) Be provided trees that are drought tolerant, and planted in symmetric patterns.

(c) Be designed to provide both visibility and separation from the street.

D. Building Design and Architecture

The visual relationships between individual commercial buildings contribute to community identity, levels of pedestrian activity, and economic vitality. When the architectural features (for example, entry spacing, window lines, and signs) of commercial buildings are complementary, the larger district image becomes more positive and unified. Building facades, in particular, influence cohesiveness, legibility and aesthetic pride. Likewise, storefront design can encourage shopping, increase a sense of security, and generate pedestrian activity. Where commercial buildings are neighbors to residential buildings, consideration of scale, detail, and materials are even more important.

1. Mass and scale. Building scale and massing contributes to the unique character and pedestrian-orientation of the downtown and some of the other commercial areas of Lodi. Smaller-scale buildings, or buildings perceived to be of small-scale, are most suitable to creating the atmosphere desired in the City. Human-scale buildings are comfortable and create a friendly atmosphere that enhances the marketability of commercial areas. To this end, buildings – and their parts – should impart a sense of human scale and assume a reinforcing relationship with the sidewalk, street, and pedestrian activity. The relationship of the building elements to the overall building should create a clear set of meaningful relationships between the building and the elements and the elements to each other. The elements of the building should not appear as random or unrelated to each other.

The height and scale of infill development and alterations to existing development within

commercial areas should complement existing structures while providing a sense of human scale and proportion. Infill structures should be designed to provide storefront windows, doors, entries, transoms, awnings, cornice treatments and other architectural features designed to complement existing structures without duplicating a particular architectural style. Specific guidelines related to the mass and scale of building architecture are as follows:

a. General design principles.

(1) The characteristic proportion (relationship of height to width) of existing facades should be considered in relation to infill development, alterations and additions.

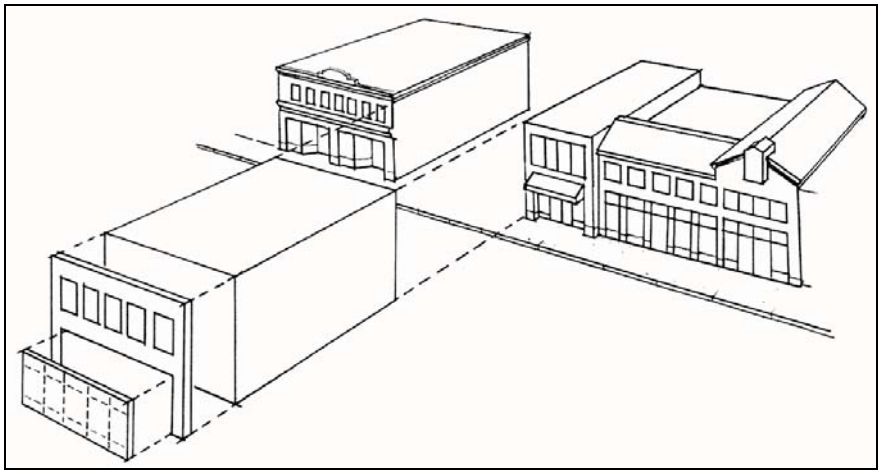

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Figure 2-25 Infill Façade Proportions

(3) Whenever an infill building is proposed which is much "wider" than the existing characteristic facades on the street, the infill facades should be broken down into a series of appropriately proportioned "structural bays" or components typically segmented by a series of columns or masonry piers which frame window, door and bulkhead components. Creating and reinforcing a facade rhythm helps tie the commercial street together visually and provides the pedestrian with a standard measurement of his or her progress.

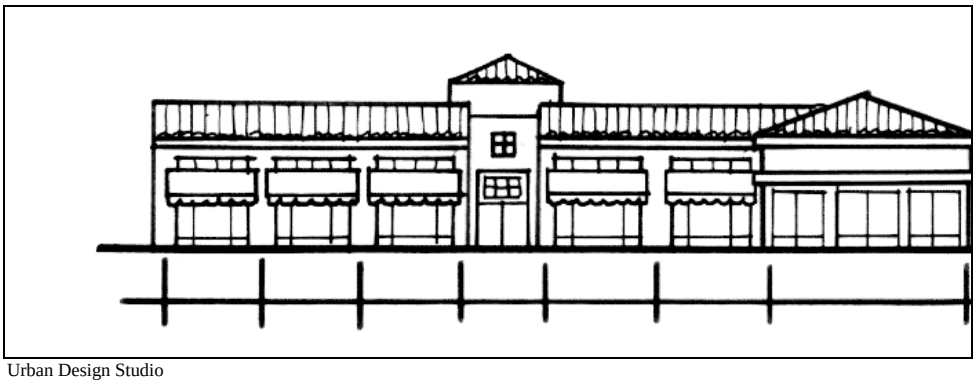

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Figure 2-26 Infill Structure Façade Divided into Bays

(3) The commercial buildings in Lodi are generally in the one- to three-story range. Infill buildings or upper story additions to existing buildings should not be much higher or lower than the height of surrounding structures.

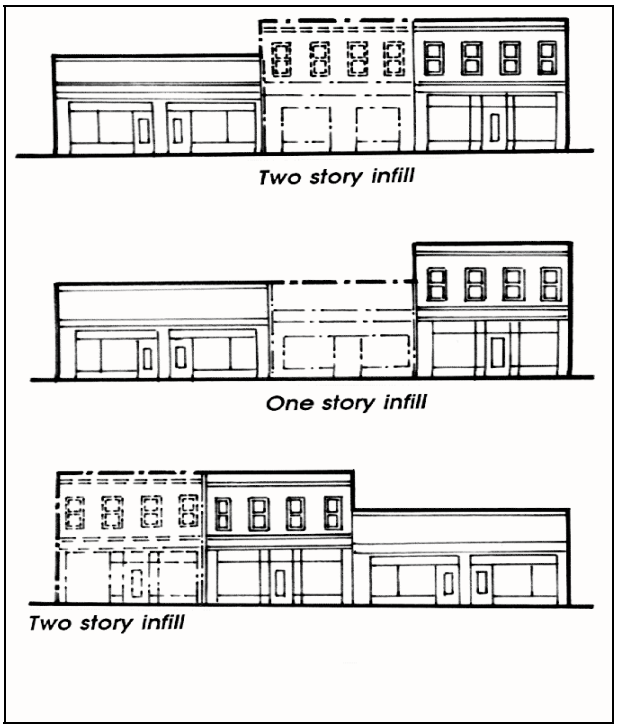

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Figure 2-27 Infill Consistent with Context

b. Building proportions.

(1) Maintain a clear visual distinction between upper story openings and street level storefront openings (windows and doors). There should usually be more window area at the storefront level to provide greater interior visibility for pedestrians, as opposed to upper stories with smaller window openings.

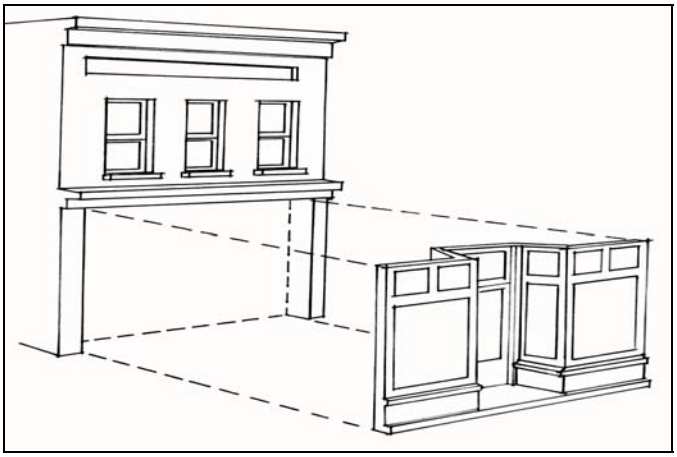

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Figure 2-28 New Storefront Proportions Consistent with Context

(2) Whenever an infill building is proposed between two adjacent commercial structures, the characteristic rhythm, proportion and spacing of existing door and window openings should be maintained.

c. Horizontal rhythms/alignment of architectural elements.

(1) When an infill building is proposed, the common horizontal elements (e.g. cornice line, window height/width and spacing) of neighboring structures should be identified and the infill should have similar rhythm or alignment.

(2) If maintaining a horizontal rhythm or alignment in an infill building is very difficult or otherwise impossible, the use of fabric canopies or awnings is encouraged to establish a shared horizontal storefront rhythm.

d. Architectural features.

(1) Features such as balconies, open and enclosed turrets, finials and bay windows that help give human scale and interest to buildings are encouraged.

(2) Decorative ornamentation, the decorative use of color and integral color materials, and architectural composition that employs abstract or representational ornament to help order the facade or emphasize the relative importance of different building elements are encouraged.

2. Architectural elements/materials. The types of materials and architectural elements incorporated into commercial buildings contribute to visual interest, community image, business identity and architectural quality. The following guidelines provide a framework for creating a cohesive commercial character while providing flexibility and promoting unique architectural features.

a. Entries and doorways.

(1) Main building entries should emphasize the point of arrival in one or more of the following ways:

- placement of art or decorative detailing
- a turret or balcony over the entrance
- change of material or detailing
- greater concentration of ornaments
- flanked columns, decorative fixtures or other details
- recesses within a larger arched or cased decorative opening
- a portico (formal porch) projecting from or set into the building face
- changes in roofline, a tower, or a break in the surface of the subject wall
- architectural features above it

(2) Street corner commercial buildings should provide a prominent entrance to street level shops or lobby space at or near the corner.

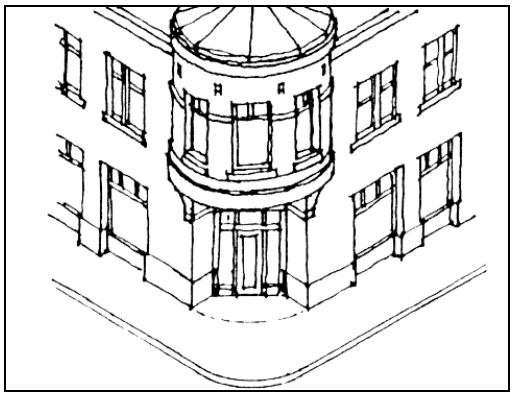

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Figure 2-29 Prominent Corner Entrance

b. Doors and windows.

(1) Retail store doorways should contain a high percentage of glass to allow pedestrians to see the retail contents and activities in stores.

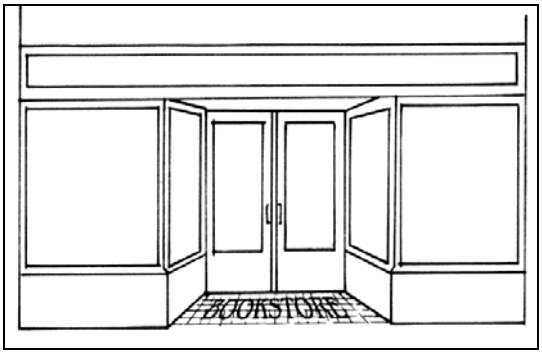

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Figure 2-30 Maintain Extensive Storefront Glass Area

(2) When windows are added or changed, it is important that the design be compatible with the facade theme of the block (streetscape).

(3) Use clear glass (at least 88 percent light transmission) in first floor windows.

(4) Storefront windows should be as large as possible and no closer than 18 inches from the ground (bulkhead height). By limiting the bulkhead height, the visibility to the storefront displays and retail interior is maximized. Maximum bulkhead heights for infill construction should be 17 inches.

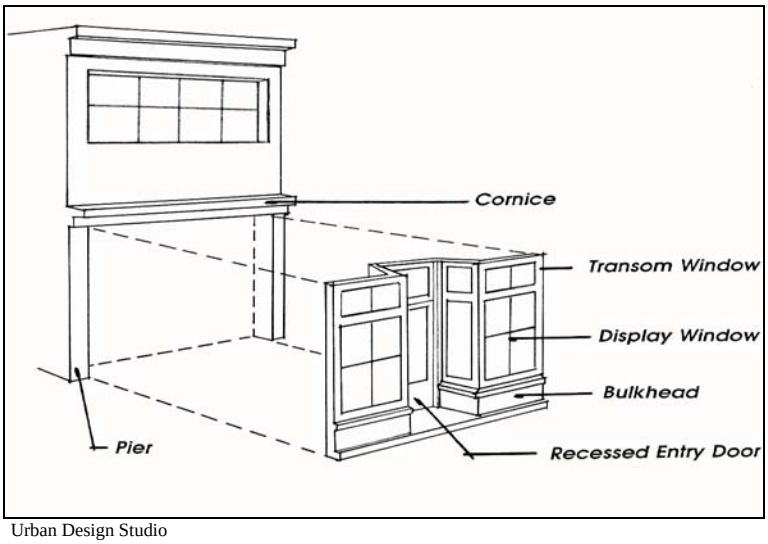

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Figure 2-31 Storefront Components

(5) Introducing or changing the location or size of windows or other openings that alter the architectural rhythm or character of the original building is discouraged.

(6) Permanent, fixed security grates or grilles in front of windows are not permitted. Any necessary security grilles should be placed inside, behind the window display area.

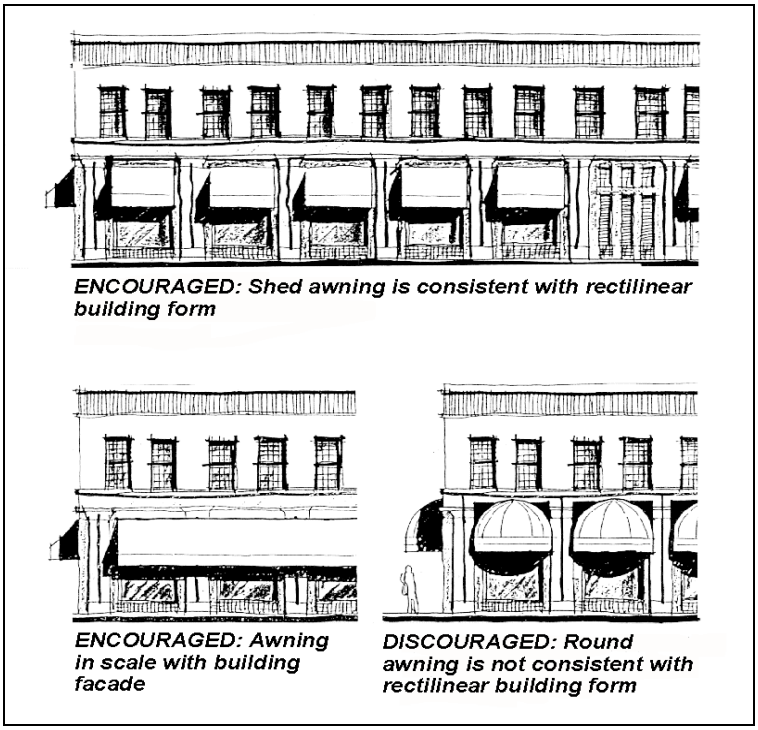
(7) Traditional storefront transom windows should be retained whenever feasible. If the ceiling inside the structure has been lowered, the ceiling should be stepped up to meet the transom so that light will penetrate the interior of the building.

The original leaded glass transom window is preserved on this building by correct placement of lettered signs on windows and sign band above transom window

Figure 2-32 – Transom windows

c. Awnings and canopies

(1) Where the facade of a commercial building is divided into distinct structural bays (sections defined by vertical architectural elements, such as masonry piers), awnings should be placed within the vertical elements rather than overlapping them. The awning design should respond to the scale, proportion and rhythm created by these structural bay elements and *nestle* into the space created by the structural bay.



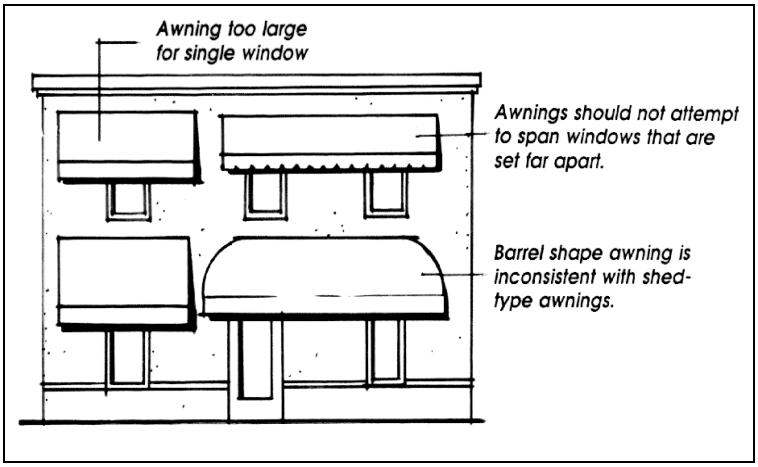


Figure 2-33 Appropriate and Inappropriate Awning Forms

(2) Awning shape should relate to the window or door opening. Barrel-shaped awnings should be used to complement arched windows while square awnings should be used on rectangular windows.

(3) Awnings shall not be internally illuminated.

d. **Grillwork/metalwork and other details**. There are a number of details, often thought of as mundane, which may be incorporated into the design to add a degree of visual richness and interest while meeting functional needs. These details include the following:

(1) Light fixtures, wall mounted or hung with decorative metal brackets.

(2) Metal grillwork, at vent openings or as decorative features at windows, doorways or gates.

(3) Decorative scuppers, catches and down-spouts, preferably of copper.

(4) Balconies, rails, finials, corbels, plaques, etc.

(5) Flag or banner pole brackets.

Figure 2-34 Metalwork Design Elements

e. **Exterior walls and materials.** The exterior wall design elements of commercial buildings involve two aspects C color and texture. Materials with integral color such as hard smooth troweled plaster, tile and stone is encouraged. If the building's exterior design is complicated, with many design features, the wall texture should be simple and subdued. However, if the building design is simple (perhaps more monolithic), a finely textured material, such as patterned masonry, can greatly enrich the building's overall character.

Storefront materials should complement the materials used on significant adjacent buildings. The following materials are considered appropriate for commercial buildings within Lodi. The number of different wall materials used on any one building should be kept to a minimum, ideally two or less.

- clear glass
- glass block (transom)
- exterior plaster (smooth trowelled preferred)
- new or used face-brick
- cut stone, rusticated block (cast stone)
- ceramic tiles (bulkhead)
- clapboard (where appropriate)

The following exterior building materials are considered inappropriate in Lodi commercial areas and are discouraged:

- Mirror glass and heavily tinted glass.
- Windows with false divisions (i.e., a window where the glass continues uninterrupted behind a surface mounted mullion)
- Vinyl and aluminum siding
- Painted or baked enamel metal awnings
- Rough "Spanish lace" stucco finish
- Unpainted plywood
- False stone veneer
- Bulky cast stone window and door surrounds
- Corrugated sheet metal
- Corrugated fiberglass
- Split face concrete block
- Exposed concrete block without integral color

f. Lighting.

(1) Lighting should be designed as an integral part of the overall site and building design. It should contribute to and help define the character and the spaces created by the building and its site development. Lighting design should have a conscious purpose of helping to strengthen the constituent elements of the site through means such as highlighting areas that are more important, or by picking out areas of the site that have a different character from the rest of the site. Lighting should complement architectural elements, changes in material of the ground plane and landscaping. The intensity, color, placement of the light and the placement and design of the light fixtures should be part of this effort.

(2) Lighting should provide illumination for the security and safety of on-site areas such as entrances, exits, parking, loading, pathways, and working areas.

(3) Lighting should be provided for the pedestrian to create a sense of welcoming on the public sidewalk, that the pedestrian is literally being accompanied by light. Providing a greater number of softer light sources is strongly encouraged over having only a few very bright lights.

(4) The design of light fixtures and their structural supports should be architecturally compatible with the main buildings on the site. Fixtures should be integrated within the architectural design for the buildings.

(5) As a security device, lighting should be adequate but not overly bright. Building entrances should be well lighted. The lighting should be designed so that the lighting is an attractive element in its own right, acting as a public amenity.

(6) All lighting should be shielded to confine light spread within the site boundaries and not spill onto adjacent properties. Lighting should be provided from one-half hour after sunset to one-half hour before sunrise at all exits, entrances, loading areas, parking lots, plazas, and alleys. An average of one foot candle evenly distributed across the site is a suggested minimum; with up to two foot candles at entrances, exits and loading areas.

(7) The following lighting fixtures and lamps are considered inappropriate in Lodi commercial areas and are discouraged:

- Mercury vapor lights (metal halide or high-pressure sodium lamps are preferable for most applications)
- Fluorescent light tubes that are exposed without filtering lenses
- Fluorescent lamps without non-color corrected bulbs (color correction may also be accomplished by a color-correcting lens)
- The Development Code prohibits flashing or blinking lights.

(8) Focus light downward. A good rule of thumb is to make sure that direct light shines a minimum of 20 degrees below a horizontal plane and in no case above the horizontal plane.

(9) Test installations for glare. After installation, check to make sure that glare will not be a problem for neighbors, pedestrians, or motorists.

(10) Illuminate signs and billboards from above, not below.

(11) Avoid reflective surfaces beneath down-lit signs.

(12) All lighting shall be maintained in working order and in appearance.

g. **Rear entrances.** Rear entrance design should consider a number of issues. In general, the rear entrance must respond to the same needs as the storefront, but at a reduced scale. It must also meet the functional service needs of the business, including providing a loading area. Since these two functions are often in conflict, the design of the rear entrance must be carefully planned. A particular concern is the storage and disposal of refuse. All trash cans, dumpsters, and other containers must be hidden and screened from public view as required by the Development Code. Exterior utilities must be screened. Regular maintenance is of paramount importance.

The design of a rear entrance should be appropriate to its surroundings. The visual character of rear facades, alleys, and parking lots is relatively casual and utilitarian, especially when compared to formal street facades. In this context, a refined or grand design can look out of place. The design should instead be pleasantly inviting, and architecturally compatible with the front, but very simple in detail.

Figure 2-35
Rear Entrances should be
Aesthetically Simple and Utilitarian

(1) An awning can soften a rear facade and provide a pleasant protected space.

(2) The rear entry door should be wood and glass similar to the front door. Special security glass (i.e. wire imbedded) is allowed.

(3) Security lighting should be modest and should focus on the rear entry door.

(4) Selective use of tree plantings, potted plants and other landscaping can subtly improve a rear facade.

(5) Refuse containers and service facilities must be screened from view by solid walls. The use of landscaping (shrubs and vines) to screen walls can help deter graffiti.

3. Alterations - Restoration and remodeling. Renovating or remodeling commercial structures provides an excellent means of maintaining and reinforcing the character and image desired in Lodi. Renovation and expansion not only increases property values in the area but also serves as an inspiration to other property owners and designers to make similar efforts.

When an existing structure is to be renovated or added to, the work should respect the original design character of the structure. The following design guidelines apply where appropriate and whenever a structure is to be renovated or expanded.

a. Traditional features & decoration.

(1) Sensitive response to existing materials, details, proportions, as well as patterns of materials and openings is required when any such work will affect the appearance of an existing building's exterior.

(2) Storefront remodeling often retains original decorative details only as visual "leftovers" or simply covers them. If a building is to be refurbished, these forgotten details should not be wasted. If enough of them remain, they can be restored as part of the original design. If only a few remain, they can be incorporated as design features in a new storefront. In either case, the design of any improvements should grow out of the remaining traditional details and create a harmonious background which emphasizes them.

b. Removal of elements inconsistent with original facade. Existing building elements incompatible with the original facade design should be removed. These include: excessive use of exterior embellishments and "modernized" elements (metal grilles, oversized molding cornices or rusticated materials, etc.). Buildings are often altered over time by owners or shopkeepers to "keep up with changing times" or to "remake a tired image." Unfortunately, such changes are often done in a "tacked-on" manner and result in gradual but severe erosion of original character and cohesion of the commercial area.

c. Storefront renovation.

(1) Where the original storefront remains (little or no remodeling has occurred), it should be preserved and repaired with as little alteration as possible.

(2) Where only part of the original storefront remains (limited remodeling has occurred), the storefront should be repaired, maintaining historic materials where possible, including the replacement of extensively deteriorated or missing parts with new parts based upon surviving examples of transoms, bulkheads, pilasters, signs, etc.

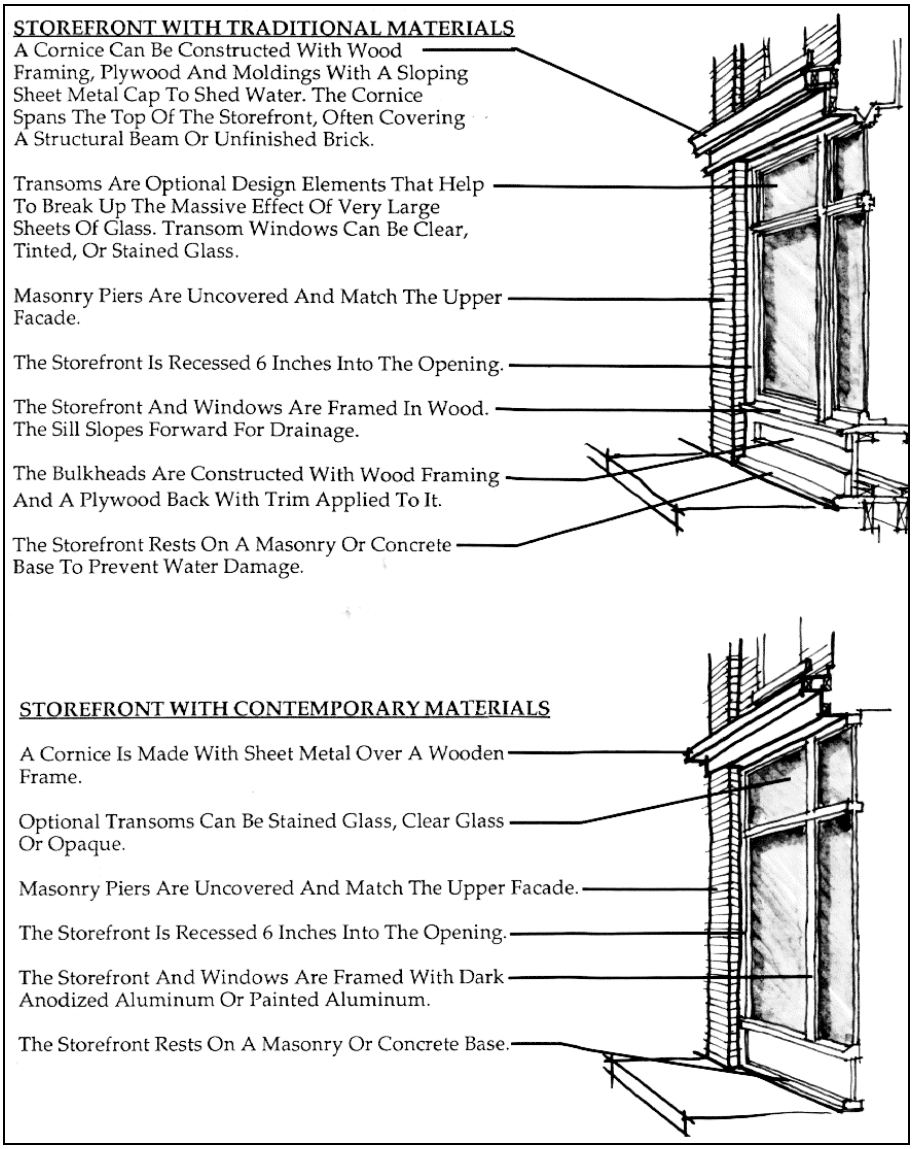


Figure 2-36

(3) Where the original storefront is completely missing (extensive remodeling has occurred), the first priority is to reconstruct the storefront based upon historical, pictorial and physical documentation. If that is not practical, the design of the new storefront should be compatible with the size, scale, proportion, material and color of the existing structure.

d. Window replacement.

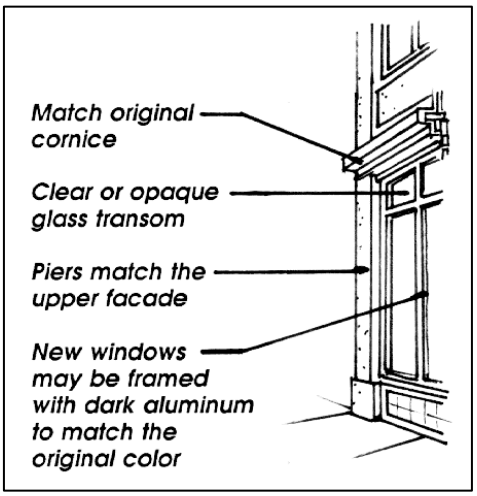
(1) The impact of windows on the facade is determined by the size, shape, pattern of openings, spacing and placement within the facade. When altering or reconstructing windows, consideration of these elements is crucial to retaining the structure's original architectural balance and integrity.

(2) Wherever possible retain original window openings. If the existing ceiling has been lowered, pull the dropped ceiling back from the original window.

(3) If possible, save and restore original windows and frames. Replace missing, rotting or broken sash, frames, mullions and muntins with similar material.

(4) If original window openings have been altered, restore the openings to their original configuration and detail. Avoid blocking or filling window openings that contribute to the overall facade design.

(5) When replacing windows, consideration should be given to the original size and shape detailing and framing materials. Replacement windows should be the same operating type as the original window.



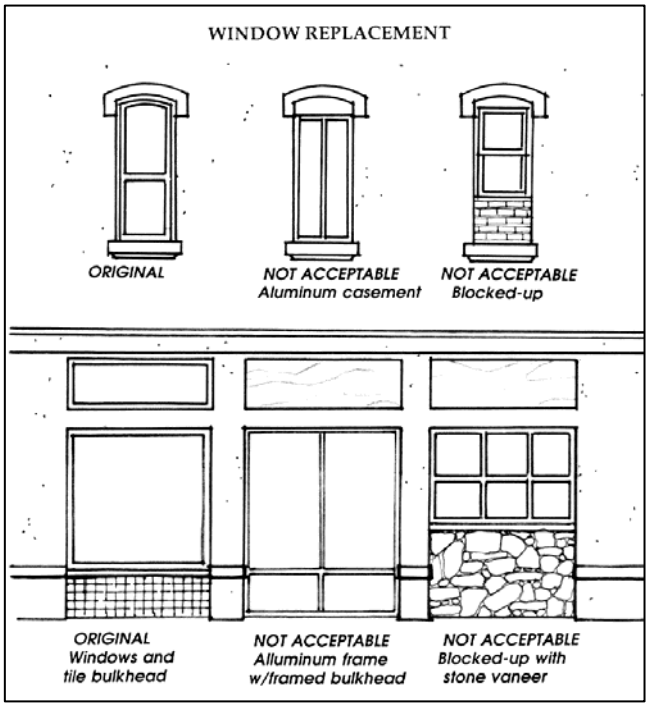


Figure 2-37 – Window replacement

e. Door replacement.

(1) Original doors and door hardware should be retained, repaired and refinished provided they can comply with the requirements of the Americans with Disabilities Act (ADA).

(2) If replacement doors are necessary, they should be compatible with the historical character and design of the structure.

f. Additions to existing structures.

(1) The design of a proposed addition should follow the general scale, proportion, massing and detailing of the original structure and should result in a harmonious—rather than stark-contrast.

(2) Additions should be interpretations of the existing buildings, with the main characteristics of the existing structure incorporated using modern construction methods. This may include: the extension of architectural lines from the existing structure to the addition; repetition of window and entrance spacing; use of harmonizing colors and materials; and the inclusion of similar, yet distinct, architectural details (i.e., window and door trim, lighting fixtures, tile or brick decoration, etc.).

(3) Additions should be designed so that if the addition were to be removed in the future, the essential form and integrity of the original structure would be unimpaired.

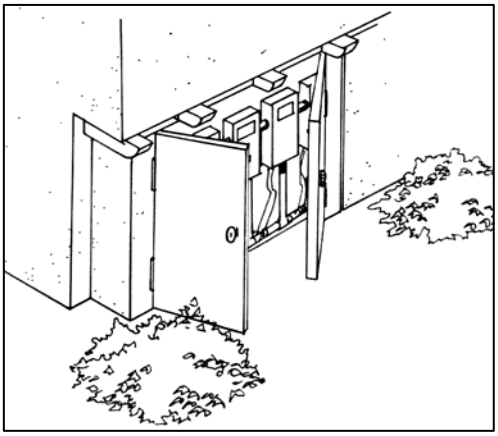
g. Seismic retrofitting. Where structural improvements for seismic retrofitting affect the building exterior, such improvements should be done with care and consideration for the impact on appearance of the building. Where possible, such work should be concealed. Where this is not possible, the improvements should be planned to carefully integrate into the existing building design.

4. Equipment and utilities.

a. All mechanical or utility equipment, whether on the roof, ground or side of building must be screened from view, above or below. The method of screening should be architecturally integrated with the structure in terms of materials, color, shape and size. The design of the screening should be done in concert with and as a part of the design of the building, rather than as an afterthought.

b. Roof mounted mechanical or utility equipment must be screened. The method of screening should be architecturally integrated with the structure in terms of materials, color, shape and size. It is preferable to screen equipment with solid building elements (e.g. parapet wall) instead of after-the-fact add-on screening (e.g. wood or metal slats).

c. Air conditioning units placed in individual windows and window transom areas are *strongly* discouraged.



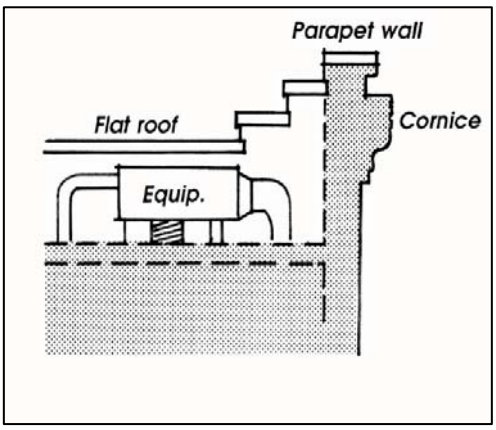


Figure 2-38 – Equipment Screening

E. Security

Safety in commercial areas is important to business owners, workers and visitors, and to the overall economic well-being of businesses. Design strategies incorporating safety should be based on the practice called Crime Prevention Through Environmental Design or CPTED (pronounced "sep-ted"). CPTED focuses on the proper design and use of the built environment to enhance opportunities for positive, constructive activities while minimizing opportunities for illegitimate or undesirable activities. CPTED is a measure for proactive and retrofit crime prevention planning – one that can help reduce the incidence and fear of crime, and improve overall quality of life. By no means is CPTED a panacea in the efforts to rid communities of crime; however, it is one strategy among others that should be considered in commercial development. There are five principles used in the application of CPTED: Natural Surveillance, Natural Access Control, Territorial Reinforcement, and Management and Maintenance.

1. **Natural surveillance.** The organization of physical features, activities and people in such a way as to maximize visibility. That is, a space should be designed so that users feel that they will be seen or observed if they do something illegitimate. The placement of windows, doors, and plazas, the alignment of sidewalks and paths, the minimization of large areas of blank walls, the locations and levels of lighting, and the proper design and size of open spaces can contribute to natural surveillance opportunities.

2. **Natural access control**. The physical guidance of people coming and going from a space by the judicial placement of entrances, exits, signs, fencing, landscaping and lighting. A space should be designed so that it is conducive to the activities undertaken by legitimate, law-abiding users but discouraging to those carrying out undesirable activities.

3. **Territorial reinforcement.** The use of physical attributes that express ownership, such as fences, pavement treatments, art, signage and landscaping. CPTED stresses the importance of clearly designing a hierarchy of spaces: public (i.e. intended for all to use), semi-private (i.e. intended for specific users or uses), private (i.e. intended for private use by businesses).

4. **Management and maintenance**. The continued use of a space for its intended purpose, which serves as an additional expression of ownership (e.g., complying with landscape maintenance and lighting standards to ensure that visibility is not reduced). Although the physical dimensions of CPTED are important, no effort is sustained unless it is properly maintained and operated.

5. **Design considerations.** The following design considerations, as well as many of the preceding guidelines, incorporate CPTED principles and should be considered for new commercial development in Lodi.

   a. **Window materials.** Storefront security may be enhanced with shatter-resistant laminated vigil pane security glass (or glass-clad polycarbonate windows).

   b. **Security screens.** The use of exterior scissors-style security screens is strongly discouraged. Any use of interior scissors screens shall be concealed from public view when not in use by retracting the screen into casings which are in proportion and scale with the building architecture. However, although they are allowed, the use of interior scissors screens is strongly discouraged since they communicate a message of high crime and cannot be integrated visually into the overall design of a building or storefront.

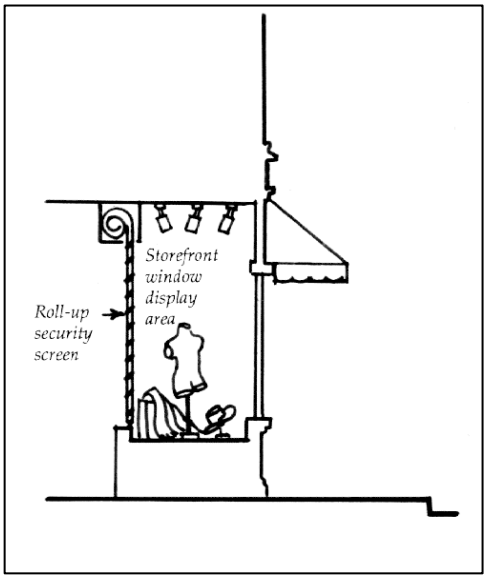


Figure 2-39 – Security Screen Placement

   c. **Security bars.** Permanent security bars (those clearly visible and fixed to windows or the facade) and exterior roll-up metal security doors are strongly discouraged.

   d. **Lighting placement.** Exterior lights that are a part of streetscape improvements should provide adequate lighting levels. However, in the case of a deep threshold to a building, a light applied to the ceiling of this area is strongly recommended to illuminate building entrances.

e. **Lighting design.** Lighting should be designed to satisfy both functional and decorative needs. Storefront lighting should complement the architectural style of the building while providing illumination of building facades and entrances.

f. **Rear security lighting.** Rear security lighting should be provided and maintained at 12 foot candles per square foot. The level of lighting should be measured at ground level. All security lighting should be designed as part of an overall lighting plan rather than as single stand-alone elements.

g. **Window signs.** Any window signs should be placed to provide a clear and unobstructed view of the interior of the business establishment from the sidewalk (and are not permitted by this Development Code to exceed 20 percent of the window area).

h. **Street addresses.** Street addresses should be identified by posting numbers so they are clearly visible from the public right-of-way wherever possible.

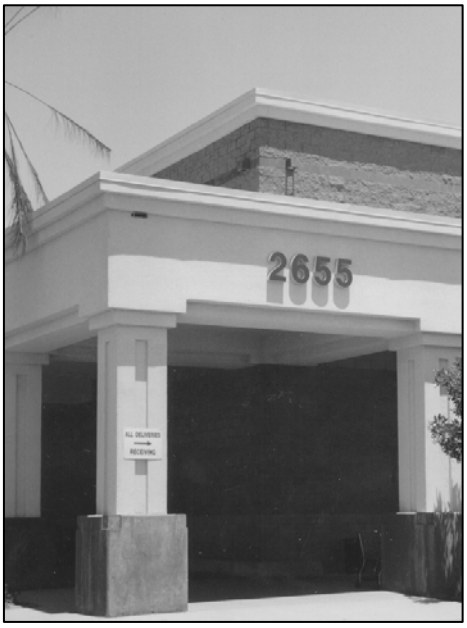


Figure 2-40
Street Addresses Should Help Easy Identification

i. **Safety behind buildings.** Safety behind buildings should be ensured through use of:

(1) Adequate security lighting for parking areas and pedestrian ways;

(2) Limited access (walls, fences, gates, shrubs);

(3) Signage;

(4) Introduction of activities (e.g., rear entrances for commercial activities) that increase surveillance;

(5) Surveillance through windows or with cameras; and

(6) Ongoing maintenance of storage areas and alleys.

F. Walls and Fences

If walls or fences are not required for a specific screening or security purpose they should not be used. Any necessary walls or fences should be as low as possible while still performing their screening and security functions.

1. **Materials and colors.** Fences and walls should be designed with materials and colors that complement project architecture. When selecting wood as a material, it is important to consider its increased maintenance demands. Landscaping should be used in combination with walls whenever possible.

2. **Design.** Long expanses of wall or fence surfaces should be offset and architecturally designed to prevent monotony. Landscape pockets should be provided along the wall.

3. **Security fencing.** When required, security fencing should be a combination of solid pillars, or short solid wall segments, and wrought iron grille work.

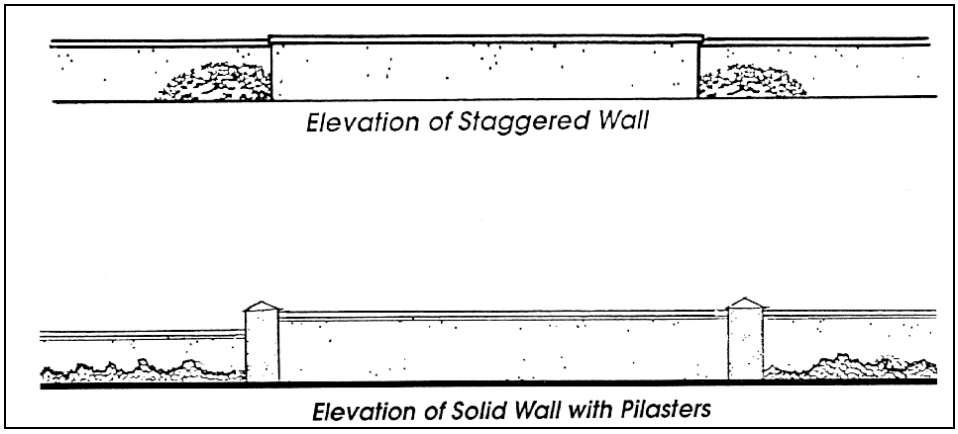


Figure 2-41 Appropriate Wall Design

CHAPTER 17.22 – MIXED USE ZONING DISTRICTS

Sections:

17.22.010 - Purpose of Chapter
17.22.020 - Purposes of Mixed Use Zoning Districts
17.22.030 - Mixed Use Zoning Districts Land Uses and Permit Requirements
17.22.040 - Mixed Use Zoning Districts General Development Standards
17.22.050 – Downtown Mixed Use Design Guidelines
17.22.060 – Mixed Use Center Design Guidelines
17.22.070 – Mixed Use Corridor Design Guidelines

17.22.010 - Purpose of Chapter

This Chapter lists the uses of land that may be allowed within the mixed use zoning districts established by Section 17.10.020 (Zoning Districts Established), determines the type of land use permit/approval required for each use, and provides basic standards for site development.

17.22.020 - Purposes of Mixed Use Zoning Districts

The mixed use zoning districts are intended to provide for a range of uses, emphasizing high quality development, and to encourage revitalization of existing land uses. The purpose of the individual mixed use zoning districts and the manner in which they are applied are as follows.

A. **DMU (Downtown Mixed Use) District.** The DMU zoning district is applied to the downtown area, and is intended to allow for a broad range of commercial land uses primarily located on the ground floor. Residential uses may also be allowed in this district. The maximum FAR is 3.00. The DMU zoning district is consistent with the Downtown Mixed Use land use designation of the General Plan.

B. **MCE (Mixed Use Center) District.** The MCE zoning district is applied to the new mixed-use neighborhood centers in he new growth areas of the General Plan. This category provides for a variety of residential, office, neighborhood commercial and public uses. The maximum FAR is 1.0. The MCE zoning district is consistent with the Mixed Use Center land use designation of the General Plan.

C. **MCO (Mixed Use Corridor) District.** The MCO zoning district is applied along the City's major corridors: Kettleman and Cherokee lanes and Lodi Avenue. This category provides for a variety of office and general commercial uses, as well a low-, medium-, and high-density residential. The maximum FAR is 1.2. The MCO zoning district is consistent with the Mixed Use Corridor land use designation of the General Plan.

17.22.030 – Mixed Use Zoning Districts Land Uses and Permit Requirements

Table 2-8 identifies the uses of land allowed by this Development Code in the Mixed Use zoning districts, and the land use permit required to establish each use, in compliance with Section 17.12.030 (Allowable Land Uses and Permit Requirements).

Mixed Use Zoning Districts

Note: where the last column in the tables ("Specific Use Regulations") includes a section number, the regulations in the referenced section apply to the use; however, provisions in other sections of this Development Code may also apply.

TABLE 2-8
Mixed Use - Allowed Uses and Permit Requirements

A	**Allowed Use**
UP	**Use Permit Required**
MUP	**Minor Use Permit Required**
—	**Use not allowed**

LAND USE	PERMIT REQUIRED			Specific Use Regulations
	DMU	MCE	MCO	
AGRICULTURE AND OPEN SPACE				
Production of crops	—	—	A	
RECREATION, EDUCATION, & PUBLIC ASSEMBLY USES				
Clubs, lodges, & membership halls	UP	UP	—	
Community centers	A	A	A	
Health/fitness facilities	UP	UP	UP	
Indoor amusement/entertainment facilities	UP	UP	UP	
Indoor sports facilities	UP	UP	UP	
Libraries, museums, galleries	A	A	A	
Parks and playgrounds	—	UP	—	
Religious facilities	—	—	UP	
Schools - Private	—	UP	UP	
Schools - Specialized education and training	A	A	A	
Studios - Art, dance, martial arts, music, etc.	UP	UP	UP	
Theaters and auditoriums	UP	—	—	
RESIDENTIAL USES				
Accessory uses (Residential)	A	A	A	17.36.120
Home occupations	MUP	MUP	MUP	17.36.060
Live/work projects	A	A	A	
Multi-family dwellings (3 or more units)	A	A	A	
Single family dwellings	—	—	UP	
Two family dwellings (Duplex)	—	—	A	

Mixed Use Zoning Districts

TABLE 2-8 **Mixed Use - Allowed Uses and Permit Requirements**	**A**	**Allowed Use**
	UP	**Use Permit Required**
	MUP	**Minor Use Permit Required**
	—	**Use not allowed**

LAND USE	**PERMIT REQUIRED**			**Specific Use Regulations**
	DMU	**MCE**	**MCO**	
RETAIL TRADE				
Accessory retail uses	A	A	A	
Alcoholic beverage sales, off-site	UP	UP	UP	
Alcoholic beverage sales, on-site	UP	UP	UP	
Animal sales and grooming	A	A	A	
Art, antique, collectible, and gift stores	A	A	A	
Auto parts sales	A	A	A	
Auto sales and rental	—	—	A	
Building material stores	A	A	A	
Construction/heavy equipment sales and rental	—	—	A	
Convenience stores	UP	UP	A	
Drive-in and drive-through sales and services	—	—	UP	
Furniture, furnishings & appliance stores	A	A	A	
Gas stations	—	—	UP	
General retail sales	A	A	A	
Grocery stores	A	A	A	
Mobile home and RV sales	—	—	A	
Night clubs, bars, and cardrooms	UP	UP	UP	
Plant nurseries and garden supply stores	—	—	A	
Restaurants	A	A	A	
Warehouse retail	—	—	A	

TABLE 2-8 **Mixed Use - Allowed Uses and Permit Requirements**	**A**	**Allowed Use**
	UP	**Use Permit Required**
	MUP	**Minor Use Permit Required**
	—	**Use not allowed**

LAND USE	**PERMIT REQUIRED**			**Specific Use Regulations**
	DMU	**MCE**	**MCO**	
SERVICES – BUSINESS, FINANCIAL, PROFESSIONAL				
Automated teller machines (ATMs)	A	A	A	
Banks and financial services	A	A	A	
Business support services	A	A	A	
Medical - Clinics, offices, and laboratories	A	A	A	
Medical - Extended care	—	—	A	
Medical - Hospitals	—	—	A	
Offices	A	A	A	
Professional Services	A	A	A	
SERVICES				
Audio & video rental	A	A	A	
Auto repair and maintenance	—	—	UP	
Car wash	—	—	UP	
Community care facilities				
Residential care facility (6 or more)	—	—	UP	17.36.040
Day care center	UP	UP	UP	17.36.030
Hotels and motels	UP	UP	UP	
Mortuaries & funeral homes	UP	—	A	
Personal services	A	A	A	
Pharmacies	A	A	A	
Storage - indoor	—	—	UP	
Upholstering shops	—	—	UP	
Veterinary clinics, outpatient treatment only	—	—	A	
Veterinary clinics, animal hospitals, kennels	—	—	UP	

Mixed Use Zoning Districts

TABLE 2-8 **Mixed Use - Allowed Uses and Permit Requirements**	**A**	**Allowed Use**
	UP	**Use Permit Required**
	MUP	**Minor Use Permit Required**
	—	**Use not allowed**

LAND USE	**PERMIT REQUIRED**			**Specific Use Regulations**
	DMU	**MCE**	**MCO**	
INDUSTRIAL, MANUFACTURING & PROCESSING, WHOLESALING				
Recycling facilities				
Small collection facility	—	—	MUP	17.36.110
TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE USES				
Broadcast studios	UP	UP	UP	
Parking facilities/vehicle storage	—	—	UP	

17.22.040 – Mixed Use Zoning Districts General Development Standards

Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Table 2-9, in addition to the applicable development standards (e.g., landscaping, parking and loading, etc.) in Article 3, (Site Planning and General Development Standards).

TABLE 2-9 – MIXED USE ZONING DISTRICTS GENERAL DEVELOPMENT STANDARDS

Development Feature	Requirement by Zoning District		
	DMU	**MCE**	**MCO**
Minimum lot size	*Minimum area, width, and depth required for new parcels.*		
Area	None	None	8,000 sq. ft.
Width and depth	None	None	50 ft. wide/100 ft. deep
Setbacks	*Minimum and, where noted, maximum setbacks required. See Section 17.14.060 for exceptions to these requirements.*		
Front	None	None	5 ft.
Street side	None	None	5 ft.
Sides (each)	None	None	5 ft.
Rear	None(1)	None(1)	5 ft.
Floor Area Ratio (FAR)	3.0	1.0	1.2
Height limit	Min. 20 ft. Max. 6 stories/75 ft.	Min. 20 ft. Max.6 stories/75 ft.	Min. 15 ft. Max. 4 stories/60 ft.
Landscaping	Landscaping shall be provided: 1. As required by Chapter 17.30 (Landscaping); and		
Parking	As required by Chapter 17.32 (Parking and Loading)		
Enclosure requirement	All uses shall be conducted within a completely enclosed building unless the specific use and zone permit otherwise. Uses allowed in an applicable zone that are determined by the Director to require outdoor storage or activities (for example, vehicle sales lots, service stations, etc.) may be exempted from this requirement.		

Notes:

(1) None required except: When adjacent to a res. zone boundary where a min. of 10 ft. is required. For buildings over 2 stories, 20 ft. is required.

17.22.050 – Downtown Mixed Use Design Guidelines

A. Purpose

A vital component to the Revitalization Strategy adopted for the Downtown area was to create and establish land use policies and design guidelines that build on the existing palette of architectural forms and building materials. A primary purpose of the Downtown Mixed Use Design Guidelines is to ensure that high quality design is maintained for all new construction and rehabilitation projects within the district. The Guidelines are intended to encourage individual creativity of project designers while respecting the needs of the individual owner and user. The Guidelines are intended to: create a

distinctive and cohesive image for Downtown Lodi; assure that all new development, rehabilitation and improvements give consideration to quality design in architecture and site planning; protect and enhance property values and investment; and provide consistency and compatibility within the Downtown. The development standards and design guidelines promote buildings and renovations that strengthen the existing "Main Street" character of the downtown area and enhance a pedestrian-oriented retail and entertainment niche. Among other things, they require buildings to help shape the street as a pedestrian space.

B. Applicability

1. The Downtown Mixed Use Design Guidelines shall apply to all of the properties designated as Downtown Mixed Use in the General Plan. The design elements of each project (including site design, architecture, landscaping, signs, parking design) will be reviewed on a comprehensive basis.

2. The Downtown mixed Use Guidelines augment other sections of the Development Code. When an issue, condition or situation occurs which is not covered or provided for in the Design Guidelines, the regulations of the Development Code that are most applicable to the issue, conditions or situation shall apply. In the event that the provisions of the Design Guidelines are in conflict with other sections of the Development Codes, the provisions of the Design Guidelines shall prevail.

C. Development Standards

Development Standards address those aspects that are essential to achieve the goals of the Concept Plan. They are specifications for building design and site development such as height, setbacks, and permitted uses. Standards are required minimums or benchmarks that all projects must adhere to.

1. Land Use

Successful downtowns involve uses that generate activity. These uses can populate the streets, create excitement, increase safety and reinforce Downtown as an important destination. Among the uses that contribute to this activity are specialty retail shops, eating and drinking establishments, and entertainment facilities.

The importance of the Downtown can also be enhanced by emphasizing the mixture and intensity of uses that occur, including housing and office uses. This is particularity true for vertical mixture with residential and offices above the first floor.

a. Permitted Ground Level Uses – School Street Frontage

- **Retail** - all uses except drive-up or drive-in services.
- **Eating and Drinking** Establishments - including those serving alcoholic beverages, provided this service is clearly ancillary to food service; drive-up or drive-in restaurants not permitted.
- **Personal Services** - hair and nail salons, shoe repair, laundromats, dry cleaners, and similar businesses.
- **Business Services** - are storefront businesses that generate foot traffic, such as photocopy shops, photo-finishers, video rental & sales, travel agencies, appliance

repair, print shops, insurance agencies, or real estate agencies, financial institutions, and public utilities.

- **Nightclubs** - including establishments providing entertainment or permitting dancing, and establishments serving alcoholic beverages not ancillary to food service. (Above uses may require a Conditional Use Permit as required by the Lodi Municipal Code).
- **Other Business or Service Establishments** - if determined by the Community Development Department staff to be of the same general character as those uses listed herein and above.

b. Permitted Uses – All Other street Frontages and Upper Level School Street Frontage

- **All** Permitted Uses listed above.
- Drive-Through Establishments.
- Professional Offices

c. Upper Level Uses Subject To A Conditional Use Permit

- Clubs and Lodges
- Residences
- Other Service Establishments - if determined by the City to be of the same general character as listed therein and above.

2. Building Height and Setbacks

a. Height- as measured from sidewalk to top of cornice, parapet, or to eave line of peaked roof shall be as follows:

(1) Maximum Building Height - six (6) floors and seventy five (75) feet.

(2) Minimum Height - twenty (20) feet top of parapet or eave.

(3) Accessory Buildings - may be twelve (12) feet in height if set back ten (10) feet or more from side and rear property lines.

b. Front Setbacks – the first and second floors of all building shall be built-to and parallel with the front property line, with the following exceptions:

(1) Mid-Block Buildings - between existing adjacent structures shall be no closer to the street than the adjacent building closest to the street, and no farther than the adjacent building farthest back from the street.

(2) Corner Buildings - shall be built to both right-of-way lines in order to frame the intersection. Exceptions are:

- The corner may be "cut back" - up to six feet to create a diagonal at the ground level and/or at upper levels.

(3) **Special Architectural Features** - bay windows, turrets, decorative roofs, and miscellaneous entry features excluding awnings or canopies:

(a) **May project** - no more than three (3) feet over property lines, and must be no less than twelve (12) feet above the highest point in the sidewalk over which they project;

(b) **The maximum width of a recessed entry** - shall be one-third (1/3) the length of the building's street frontage.

c. **Side Setbacks** - New buildings may be built to both side property lines, and must be built to at least one side property line. Should a side of the building be set back from a side property line:

(1) **Minimum** - at least four (4) feet shall be provided for an access passage.

(2) **Street Exposure** - side setback areas must be screened from the street and sidewalk by a decorative gateway, fence, wall, or row of piers (See Design Guidelines).

d. **Rear Setbacks**– New commercial buildings may be built to the rear property line, except when:

(1) **Adjacent to Single Family Residential Areas**

(a) First and second floors - shall be set back a minimum of ten (10) feet from the rear property line;

(b) Third floors - must be set back a minimum of twenty (20) feet from the rear property line;

3. **Parking, Access & Landscaping**

a. **Parking** - Off-street parking shall be provided pursuant to the requirements of the Lodi Municipal Code. In consideration of shared parking, location and demand, parking in the downtown may be reduced or waived at the discretion of the Community Development Director.

b. Site Access

(1) Pedestrian Access to Storefronts - shall be provided from the street and/or side street to the main building entrance; i.e. pedestrian access to building entrances shall not be restricted to parking lots.

(2) Vehicular Access - no new curb cuts shall be installed on School Street. Shared parking arrangements are encouraged to reduce the need for new curb cuts. Where curb cuts are necessary:

(a) Location - shall be on side streets where accessible:

(b) Maximum width - shall be sixteen (16) feet for a one-way driveway and twenty-five (25) feet for a two-way driveway.

(3) Service Access - from rear alleys or side streets shall be preserved and enhanced wherever possible. Trash and loading areas shall not be visible from the street and shall be screened from view from side streets and from properties to the rear.

c. Landscaping & Screening

(1) Parking Areas Shall be Planted - with shade trees at a ratio of one (1) tree for every three (3) spaces. A minimum of five (5) feet of landscaping shall be provided between the parking area and street right-of-way.

(2) The Perimeter of Parking Areas and Driveways - adjacent to streets and sidewalks shall be screened with an attractive landscape hedge, berm, low wall, fence, or line of bollards a minimum of 30” and a maximum of 36” in height.

(3) Adjacent to Designated Residential Areas - attractive screen fencing or decorative masonry or walls shall be provided along the property line to screen buildings, service areas, and parking areas.

(a) A six (6) foot wide planting area - shall be established on the commercial side of the fence or wall with shade tree planting at a minimum spacing of twenty (20) feet on center.

(b) Fences and walls not adjacent to streets or sidewalks - shall be a minimum of six (6) feet in height and a maximum of eight (8) feet in height.

(4) Trash and Service Equipment - including satellite receiving dishes, shall be located away from streets and enclosed or screened by landscaping, fencing or other architectural means.

D. Design Guidelines

Design Guidelines are discretionary. They are intended to illustrate and simplify the appropriate development and renovation concepts in terms of more subjective considerations, such as character or design details. The guidelines are not intended to be an exhaustive list of strict standards, but rather, statements to encourage improvement which is sensitive to the Downtown. They also serve as criteria for design review by City staff and the Site Plan and Architectural Review Committee (SPARC). No particular architectural style is prescribed.

1. Building Composition - Every building should have a base, a clear pattern of openings and surface features, a recognizable entry, and an interesting roofline.

2. Storefronts- are like small buildings with their own base, "roofline", and pattern of window and door openings

a. Base- panel of tile or other special material is recommended below display windows. Materials recommended for walls are generally suitable. Base materials should be the same or visually "heavier" materials than walls.

(1) Brick - should be used as the main wall surface.

(2) Ceramic tile - is frequently used as a storefront base. Dark tile with light stucco is an effective combination. Different colors and sizes of tile may be used for a decorative effect.

b. Display Windows - Large pane windows encompassing a minimum of 60% of the storefront surface area are recommended. Where privacy is desired for restaurants, professional service, etc., windows should be divided into smaller panes. Tinted windows may be used. (Refer to glazing section).

c. Transom Windows - are horizontal panels of glass between the storefront and second floor. They are a traditional element of "main street" buildings, and are recommended for all new or renovated storefronts. Transom windows can be good locations for neon, painted-window, and other relatively non-obtrusive types of signs.

d. Recessed Entries - are recommended as another traditional element of the main street storefront. Recommended treatments include:

- Special paving materials such as ceramic tile;
- Ornamental ceiling treatments, such as coffering;
- Decorative light fixtures.

e. Doors - should be substantial and well-detailed. They are the one part of the storefront that patrons will invariably touch and feel. They should match the materials, design and character of the display window framing. Door styles 6-inches or less are not recommended.

f. Cornices - should be provided at the second floor (or roofline for a one-story building) to differentiate the storefront from upper levels of the building to add visual interest, and to allow the storefront to function as the base for the rest of the building.

g. New or Renovated Storefronts Within Existing Buildings - should emulate or re-create a previous store front (from historic photos or drawings) in order to harmonize with the overall building architecture.

3. Building Increments - Storefronts and / or building bays should be approximately twenty-five (25) feet in width. Buildings with a longer frontage should have a vertical architectural feature-column, pilaster, etc. - every twenty-five (25) feet.

a. Pattern of Features - Windows, wall, panels, pilaster, building bays, and storefronts should be based on a module derived from the building's structural bay spacing. Features based on this module should be carried across windowless walls to relieve blank, uninteresting surfaces.

b. Building Entrances - should be prominent and easy to identify.

(1) Spacing - Entries to shops or lobbies should be spaced a maximum of fifty (50) feet apart.

(2) Main Building Entrance - should be easily identifiable and distinguishable from storefronts:

- marked by a taller mass above, such as a tower, or within a volume that protrudes from the rest of building surface;
- located in the center of the facade, as part of a symmetrical overall composition;
- accented by architectural elements, such as columns, overhanging roofs, awnings, ornamental light fixtures.

(3) Prominent corner entrances - for shops or other active uses should be provided by corner buildings.

c. Roofs and Rooflines - should provide visual interest and complement the overall facade composition.

(1) Parapet walls - are recommended; they should have a distinct shape or profile, e.g. a gable, arc, raised center.

(2) Accent elements - such as flags, cut-out openings, grilles and latticework, ornamental medallions or building numbers are also recommended.

(3) Mechanical equipment - on rooftops should be screened, preferably behind a parapet roof. Latticework, louvered panels, and other treatments that are compatible with the building's architecture may also be appropriate.

4. Special Architectural Features - such as gables and tower elements, should be used to accent buildings at major street corners and other highly-visible locations. A cut into the building mass, such as a diagonal at a corner building, or a notch for a grand building entry, can also be effective.

5. **Side And Rear Building Facades -** Should have a level of trim and finish compatible with the front facade or an architectural mural, particularly if they are visible from streets, adjacent parking areas or residential buildings.

6. **Wall Treatments -** If the building mass and pattern of windows and doors is complex, simple wall surfaces are preferable (e.g. stucco). If the building volume and the pattern of wall openings is simple, additional wall texture and articulation should be employed (e.g. bricks or blocks). In both cases, pilasters, columns, and cornices should be used to add visual interest and pedestrian scale.

   The selection and placement of materials on the exterior of a building is important in providing an attractive design. Material change should occur on different planes in order to appear more substantial and integral to the design of the elevation. Change should occur where architectural elements intersect, such as a pilaster or projection. The number of materials on the exterior elevation should be limited to prevent visual overload. Materials should have a traditional or logical application. Heavy materials should appear to hold up lighter materials.

   a. **Brick** - Full size brick veneer is preferable to brick tile. Brick veneers should be mortared to give the appearance of structural brick. Brick tile applications should use wrap-around corner and bullnose pieces to minimize a veneer appearance.

   b. **Brick Veneers** – are appropriate as a special material for wall panels or sills in combination with other materials, such as brick or concrete.

   c. **Poured-In-Place Concrete -** options in terms of formwork, pigments, and aggregates should be explored to create rich surfaces. Accents such as ceramic tile are recommended for decorative effect.

   d. **Concrete Block** - Concrete block is available in various sizes, surface textures, and colors. Decorative treatments, such as alternating, courses of differing heights, should be used. Stack bond, plain gray concrete block is not recommended

   e. **Ceramic Tile -** is recommended as an accent material.

   f. **Stucco** – Integral coloring should be used for lower maintenance and wear.

   g. **Not Recommended**:

      (1) **Simulated finishes** - such as artificial stone or metal cladding.

      (2) **Wood shingles and shakes** - Vertical board and batten, shingles, shakes, are not recommended; they have a rural/residential character.

      (3) **Plywood siding**. (Includes T-111 siding)

7. **Windows** - are an important element of building composition and an indicator of overall building quality.

   a. **Window/Wall Proportion** - In general, upper stories should have a window to wall area proportion (typically 30-50%) that is smaller than that of ground floor storefronts.

b. **Window Openings** - should generally be vertical or square in shape; if square, windows and/or window panes should be vertical in shape.

c. **Window Inset** - Glass should be inset a minimum of 3" from the exterior wall surface to add relief to the wall surface; this is especially important for stucco buildings.

d. **Shaped Frames, Sills and/or Lentils** - should be used to enhance openings and add additional relief . They should be proportional to the glass area framed; e.g. a larger window should have thicker framing members.

e. **Muntins** - " true divided light" windows or sectional windows are recommend where a divided window design is desired; where "snap-in" muntins are used, they must be both sides of the glass.

f. **Glazing** - Clear glazing is strongly recommended. Reflective glazing should not be used. If tinted glazing is used, the tint should be kept as light as possible; green, gray, and blue are recommended.

g. **Replacement/Renovation** - Wood windows should be replaced with wood windows of the same operating type (e.g. double-hung, casement, etc.) Vinyl covered wood windows are available for lower maintenance. If aluminum replacement windows or doors are used, they should be:

(1) **Same operating type** - and orientation as the original windows (e.g. do not replace a double-hung window with a horizontal sliding window).

(2) **Factory painted** - or fluorocoated to match the original; color anodized is also acceptable.

(3) **Similar in size** - and thickness to the original frame and muntins.

8. **Roofs** - should match the principal building in terms of style, detailing and materials. They should also contribute expressive and interesting forms that add to the overall character of the district. Recommended types are:

a. **Tar and Gravel, Composition, or Elastomeric Roofs** - should be screened by parapets or false-front sections of sloping roofs.

b. **Clay, Ceramic or Concrete Tile** - Colorful glazed ceramic tiles are recommended for decorative roof shapes, such as parapets, domes, and turrets.

c. **Metal Seam Roofing** - should be anodized, fluorocoated or painted. Copper and lead roofs should be natural or oxidized.

9. Canopies, Awnings, And Other Building-Mounted Accessories

a. Awnings - are recommended. They should be a colorful fabric mounted over a metal structural that is framed and attractive in design. Fabric awnings are generally preferable to permanent canopies. Internally illuminated vinyl awnings are not acceptable.

b. Trellises and Canopies - materials, colors, and form should be derived from the building architecture.

c. Height and Projection - Trellises, canopies and awnings should be a minimum of eight (8) feet above the sidewalk. They should project no more than two (2) feet from the face of curb, depending upon the width of the sidewalk.

d. Placement - of trellises, canopies and awnings should be above the display windows and below the storefront cornice or sign panel. They should not cover pipes, pilasters, clerestory windows or other architectural features. Individual awnings accents and complements the building more effectively than one continuous awning.

e. Accessories - Colorful banners should be used to add variety to the street. Ornamental brackets and poles add further interest. Hanging flower or plant baskets suspended from ornamental brackets of metal or wood are recommended for storefronts.

10. Color- In general, drab earthtones should not be used. Building wall color should contrast trim colors; for example, neutral or light walls with dark colors and saturated hues for accent and ornamental colors; white or light window and door trim on a medium or dark building wall. Colors of adjacent buildings should be taken into consideration.

a. Secondary Color - (like a wainscot), pilasters, cornices, capitals, and bands.

b. Bright Colors - should be used sparingly. Typical applications are fabric awnings and banners. A restrained use of bright colors also allows display windows and merchandise to catch the eye and stand out in the visual field.

E. Additions, Renovations And Restorations

Changes to the commercial environment will most likely take place in the form of renovation or restoration. As uses change and remodeling projects are proposed, owners are encouraged to upgrade their property in a manner consistent with the character of the Downtown. One of the most effective ways to attract attention and encourage shopping is to create an attractive, well designed storefront and building entry. Many buildings in Downtown Lodi have distinctive architectural qualities that make important contributions to the visual character. These qualities could be improved or emphasized to the benefit of the entire area.

Sensitive alteration or restoration of existing buildings enhances their historic value. To ensure proper work, the services of an architect specializing in restoration and preservation work are highly recommended.

1. Additions and Alterations - Should be sensitive to the scale and character of Storefront Areas in general, of adjacent buildings, and of the building itself. Generally, they should reflect one of the following conditions:

a. **Identical** - to the architecture of the original building, as if the same architect or builder built more of the same building. This is usually most successful and feasible where the addition is smaller than the original building.

b. **Interpretation** - of the older building (and/or other adjacent buildings). The older building is not imitated exactly, but certain characteristics are copied using contemporary materials and construction practices. This is most successful where the addition is larger than the older building. Some of their "contextual" strategies are:

(1) **Architectural lines and rhythms** - of older buildings are extended to the new building; such as floor and cornice heights, window and bay spacing,

(2) **Colors and materials** - are selected to coordinate and harmonize between the old and new structures.

(3) **Small elements** - may be identical on both buildings to link them; window and door trim, paint colors, signs, light fixtures, etc.

2. **Restorations** - Restoring the original form and appearance of old buildings is recommended. Many "modernization's" of 19th and early 20th century storefront buildings cover fine facades and other architectural features that can be restored. Paint, covered, or blocked-in clerestory windows are common, as are upper stories that have been plastered over or covered with metal fascia or awnings.

3. **Repair and Cleaning** - Care should be taken to avoid damaging the value of historic buildings. In particular:

a. **Masonry materials** - such as concrete and brick - should not be sandblasted, as this damages the surface of the material; low-pressure water cleaning should be used instead. Sealers for waterproofing should be used after cleaning and repair.

4. **Replacement of Unavailable Components** - When historic construction materials cannot be replaced or matched, care should be taken to match the original pattern, thickness, color, and texture as closely as possible with available materials. In general, simulated replacement materials (artificial stone, simulated "aged" brick) are discouraged. The restoration architect and various specialty building supply businesses can assist in the selection of proper materials.

F. Lighting

Building and accent lighting in the downtown is an effective mechanism to attract attention to a structures details and the business as well. Further, lighting shall be used for parking areas, passageways and sidewalks.

1. **Area Lighting** - Sources for illuminating sidewalks passageways, parking, and rear and side yard areas:

a. **Shall be Shielded** - from casting light onto adjacent properties. They shall not cast light directly into adjacent residential windows. A translucent or optical lens diffuser globe or shield is recommended.

b. Maximum Mounting Height - of light sources for ground level illumination shall be sixteen (16) feet, measured from the finished grade of the area to be lit; height must be eighteen (18) feet at minimum if extending over a roadway surface.

2. Ornamental Fixtures - Fixtures not used as primary area lighting and mounted with visible light sources:

a. With Clear or No Diffuser - individual lamp wattage should not exceed 60 watts incandescent, 20 watts fluorescent, or 40 watts high intensity discharge (H.I.D., such as metal halide, high pressure sodium, or mercury vapor lamps).

b. With Frosted or Optical (fresnel type) Light Fixture Diffuser - individual lamp wattage may not exceed 100 watts incandescent, 40 watts fluorescent, or 70 watts H.I.D.

3. Commercial Areas - The following recommendations are intended to promote an attractive nighttime pedestrian environment. They apply to lighting installations by either the private or public sector.

a. Specialized Professional Assistance - A good lighting design can make both tenant businesses and buildings highly recognizable and attractive by night, and contribute to the district's distinctiveness. The services of a lighting designer are highly recommended, as such a specialist can demonstrate and provide the best effect within a specified budget.

b. Lighting Design:

(1) Use the minimum brightness - for illumination of large areas.

(2) Use brighter light to punctuate - and accent important areas such as entries and special architectural features.

c. Recommended Lamp Color/Types - Color corrected ("white") high pressure sodium (HPS); color corrected (3,000 degrees K); incandescent.

d. Lamps Not Recommended - Standard ("peach") high pressure sodium, low

e. Metalwork - Portions of lighting should be architecturally related to the building architecture. The color and finish of lighting metalwork should match the building's metalwork, if any.

f. Recommended Globes - Clear borosilicate glass globes; clear acrylic or polycarbonate globes with optical diffusing (fresnel) patterns; translucent clear (frosted) or white acrylic or polycarbonate globes.

17.22.060 – Mixed Use Center Design Guidelines

A. Purpose

The Mixed Use Center Design Guidelines are intended to provide clear and useful recommendations for the design, construction, review, and approval of Mixed Use Center development in the City of Lodi. Mixed Use Center development will play a vital role in creating neighborhoods centers where people can walk between home, work, shopping, and recreation. This chapter will help ensure that new projects will be well designed, uphold the City's vision, and contribute to the quality of the public realm.

B. Applicability

1. The Design Guidelines in this chapter apply to the three sites designated as Mixed Use Center in the General Plan. The design elements of each project (including site design, architecture, landscaping, signs, parking design) will be reviewed on a comprehensive basis.

2. The review authority may interpret these design guidelines with some flexibility in their application to specific projects, as not all design criteria may be workable or appropriate for each project. In some circumstances, one guideline may be relaxed to facilitate compliance with another guideline determined by the review authority to be more important in the particular case. The overall objective is to ensure that the intent and spirit of the design guidelines are followed.

C. Site Planning

1. Require all development at sites designated Mixed Use Center to provide a mix of commercial uses, while allowing residential uses, to create a "node," typically centered around a plaza, or "a central street," with a minimum of ten percent (10%) of the land area devoted to non-residential land uses, to create pedestrian vitality in the core area. Allow a range of other supportive commercial uses, such as medical, dental, and real-estate offices, as well as community facilities.

2. Require each core (minimum parcel size of 15 acres) to have at least one plaza or other satisfactory gathering space along the central street that enables gathering and promotes a sense of neighborhood identity.

3. Block lengths within Mixed Use Center areas shall not exceed 400 feet.

D. Building Placement

1. Buildings shall be constructed near or along the front property line(s). A "zero setback" from the front property line(s) is encouraged.

2. Variations in the zero setback from the property line(s) may be appropriate when the resulting setback provides greater accommodation for pedestrian circulation, sidewalk dining areas, enhanced entries, and improves the pedestrian realm.

3. When a front setback is necessary, a majority of the setback shall be hardscaped with limited landscaping to accommodate uses that keep the public realm active, such as outdoor dining and seating.

4. Require that any office uses in Mixed Use Center front along the street edge with minimal setbacks.

E. Building Orientation

1. The main pedestrian access point to the building shall be located along the facade that is oriented to the primary street.

2. Buildings on corner lots shall have the primary entry facing the intersection. Corner entries help create an active public realm and reinforce significant street and sidewalk intersections.

3. Entries that face the primary street shall be directly connected to the street's sidewalks. Secondary and residential entrances can be connected to interior courtyards and parking lots.

4. The most active ground floor uses such as storefronts, lobbies, and restaurant dining areas shall front the public sidewalk. Private amenities, such as courtyards, that are not accessible to the public shall be located within the project site or on upper floors and not along the street.

5. For buildings sited on less significant intersections, such as a major arterial and a collector, at least 50 percent of the side street ground floor elevation shall include storefront design features.

F. Building Design and Architecture

1. Building Organization and Frontage

a. In Mixed Use Centers the development of a complex of buildings is preferable to a single large structure because the varied massing provides visual interest and human scale. Additionally, the spaces created between the various buildings provide opportunities for pedestrian plazas, courtyards and other outdoor gathering areas.

b. Building plans, facades, and architectural details shall create visual interest at the street level (e.g., staggering the frontage of the building, recessing doors and windows, providing awnings and canopies for weather protection and scale, and visually extending interior spaces outside through paving and glazing to create the concept of an indoor/outdoor room, etc.).

c. Projects located at intersections shall ensure the design treatments are continued around the corner.

d. Development located at signalized intersections of major streets shall be encouraged to include pedestrian-oriented, community serving commercial uses such as a bookstore, coffee shop, or local market.

2. Articulation

a. Buildings shall be articulated to reflect a small-scale street frontage rhythm, with building bay widths of approximately 25 to 50 feet.

b. Where multiple-tenant spaces are incorporated into a building, individual tenant spaces shall be located within the building bays. This can be achieved by any of the following:

- Placing a column, pier or pilaster between facade elements.
- Applying vertical slot or recess between facade elements.
- Providing variation in plane along the building wall.
- Varying the building wall by recessing the storefront entrance or creating a niche for landscaping or pedestrian area.

c. Primary building entries shall be accented with strong architectural definition.

d. Mixed use buildings shall be designed with a distinct "base", "middle", and "top" to create a human-scaled public realm. Elements that are recommended to articulate a building's facade include:

- Design details for the top of a building, including cornice lines, parapets, eaves, brackets and other detailing.
- Design details for the body, or middle, of the building including windows, awnings, trellises, canopies, alcoves, balconies, pilasters, columns, decorative lighting and window boxes.
- Design details for the base of a building, including recessed entry areas, covered outdoor areas and alcoves.

e. The proportion and placement of windows on upper floors shall be designed to look different from the windows on the ground floor.

f. Awnings are encouraged, and if used, should be provided over each storefront of buildings with multiple storefronts. These awnings should be located within the individual structural bays and should not hide architectural detailing.

g. Awnings on multi-tenant buildings should be the same color and style and should be consistent with the character and design of the building.

h. In order to promote active, pedestrian-friendly streets, each individual tenant or business establishment and residential lobbies shall be oriented to and accessible from the major street frontage and directly accessible from the public sidewalk.

i. Rear walls and elevations visible from the public right-of-way shall be designed to maximize visual appeal by using vertical and horizontal wall plane breaks.

3. Roofs

a. Roofs should be compatible with the architectural style of the building.

b. The roof shape should reflect the configuration of the building's mass and volume, and should be consistent in its character from all vantage points.

c. Sloping roof forms are encouraged.

d. The visible portion of sloped roofs shall be sheathed with a roofing material complementary to the architectural style of the building.

e. All buildings shall provide cornice or parapet detailing in order to delineate a strong roofline along the primary facades.

f. Cornices and horizontal bands of genuine materials, such as wood trim rather than foam are strongly encouraged.

g. False fronts, applied mansard forms and other artificial rooflines that are not an integral component of the architectural design should be avoided.

4. Building Materials

a. A well-defined building "base" (i.e., ground floor) provides scale and articulation at the pedestrian level. The "base" shall consist of traditional thicker walls along with high quality, durable, and easy to clean materials and finishes. Special materials (e.g., granite, marble, polished stone, and other metal panels) shall be utilized as accent materials on the building's "base."

b. Upper floors that are less prone to potential vandalism shall utilize high quality finish materials of traditional mixed-use projects (e.g., brick veneer, smooth troweled stucco, etc.).

c. Materials and colors shall be selected to unify the building appearance and fit into the pedestrian context. Avoid overly vibrant colors and/or monochromatic color palettes.

d. Awning materials should be compatible with the overall design and character of the building. The use of fabric awnings is encouraged. The use of vinyl and plastic awnings is discouraged.

5. Windows

a. Windows shall be large glazed panels, possibly with small upper transoms. Window patterns shall have a slight inset and not appear flat. Glass shall be clear (88% light transmission) and not heavily tinted so as to provide views into active spaces or window displays.

b. A minimum of 60 percent of linear store frontage at the street facade should be used for the display windows and evenly distributed. False fronts or windows should not be included that are not integral components of the building.

c. Windows on the upper floors shall be smaller in size than storefront windows on the first floor and shall encompass a smaller proportion of facade surface area.

d. Upper story windows shall be detailed with architectural elements, such as projecting sills, molded surrounds and/or lintels.

e. Where unique use or occupancy requirements preclude the addition of windows, such as theaters or parking structures, exterior walls shall be designed to provide architectural relief or shall be screened by landscaping and pedestrian amenities, such as trellises, benches or shade structures.

f. To ensure and protect the privacy of residents in adjacent single-family homes, windows in mixed-use projects facing single family residences within 15 feet of the property line, shall be carefully arranged. Examples of privacy options include translucent or louvered windows, offset window patterns, and locating windows five-feet above the floor level.

G. Plazas

1. Plazas shall incorporate high quality paving materials, such as stone, concrete or tile. The paving shall complement the adjacent public streetscape elements.

2. Plazas should be visible from public streets and the pedestrian network and accessible from the building as well as the street and pedestrian network.

3. Focal elements such as sculptures, art, or water features shall be incorporated into courtyard and plaza design.

4. Site furniture shall be carefully placed to not create pedestrian/vehicular conflicts. All outdoor seating areas shall leave at least five feet of unobstructed pedestrian space.

5. Graffiti resistant material and/or coating and skateboard deterrents shall be required to retain the furniture's attractiveness.

6. All outdoor dining furniture and umbrellas in the public right-of-way shall be removed and stored inside during hours of non-operation.

H. Parking and Circulation

1. Customer and tenant parking shall be provided at the rear of buildings, in facilities, in off-street parking lots, or adjacent parking lots. Whenever possible, parking structures shall be placed behind the mixed use buildings.

2. Mixed-use projects must provide secure separate parking spaces for the residential units. The secure residential spaces shall be accessed via a gate code or other security mechanism.

3. Vehicular access shall be provided from side streets, adjacent alleys, and parallel streets whenever possible.

4. Where possible, rear parking lots shall be designed and located contiguously so vehicles can travel from one private parking lot to another without having to enter the street. This may be achieved with reciprocal access agreements.

5. The number of curb cuts for vehicular entry into the site shall be minimized so that pedestrian and bicycle areas are safe, secure, and passable.

6. Where possible, require abutting new developments to share a single access point from the road and allow only one curb cut per parcel.

7. Pedestrians shall have a clear and direct route from on-site parking to the building entry and public sidewalk system. The circulation path shall be direct, continuous, marked, and free of barriers (e.g., site equipment, signage, utility poles, etc.).

8. Any paving pattern, color, and material used to articulate pathways and pedestrian areas shall continue when driveways intersect with these areas. Where pedestrian circulation paths cross vehicular circulation paths, a material change, contrasting color, or slightly raised crossing shall be used to clearly delineate the continuing pedestrian path.

9. Adjacent properties shall be adequately screened from the parking structures and lots.

10. Secure, covered bicycle parking in residential mixed-use projects shall be provided.

11. Commercial bicycle racks shall be in public view, close to building entrances, with high visibility and sufficient lighting.

12. Include corner bulb-outs with gathering spaces and special crosswalks at key intersections. Considerations for gathering space components shall include shelter from sun and rain, seating options, landscaping (including shade trees and planters), trash receptacles, signage and fountains.

I. Landscaping

1. Emphasis shall be placed on California or Mediterranean style landscaping, particularly indigenous plants, ornamental vines, and flowers in either container pots or as part of an arbor/trellis. Landscaping must be well maintained with drip irrigation systems for trees/garden beds and pots that does not drain across the pavement.

2. All landscaping shall employ features and techniques that reduce the demand for and consumption of water, including appropriate low-water plants, a high degree of paving permeability and water conserving irrigation techniques and systems.

3. Planting plans for building setbacks should include a hierarchy of plantings in terms of size and types of plant materials that mark the transition between the horizontal ground plane at the sidewalk or parking area and the tall, vertical facades of buildings.

4. Continuous street trees shall be included along all street frontages of mixed-use development.

5. Trees in paved areas shall be provided with “deep root” barriers, deep root automatic irrigation, and expandable metal tree grates of adequate size. Root barriers shall be of a material specifically designed for containing tree roots. Irrigation shall be adapted for deep watering.

6. For plazas, shade trees or other sun-screening elements shall be incorporated in the design to provide well-shaded seating areas. Decorative planters shall be considered for plazas.

7. Parking lots visible from the street and pedestrian areas shall incorporate landscaping treatments (e.g., trees, shrubs, groundcover, etc.). Larger parking lots shall also incorporate landscaped medians where appropriate.

J. Lighting

1. Lighting fixtures shall be attractively designed to complement the architecture of the project, signify building entry locations, and improve visual identification of residences and businesses.

2. On each project site, all lighting fixtures shall be architecturally compatible with the buildings and from the same "family" with respect to design, materials, color, style, and color of light.

3. Wall mounted lights shall be used to the greatest extent possible to minimize the total number of freestanding light fixtures.

4. The lighting of building elements and garden walls is an effective and attractive lighting technique that should be considered.

5. In order to use less energy and reduce light pollution, ensure that lighting associated with new development or facilities (including street lighting, recreational facilities, and parking) shall be designed to prevent artificial lighting from illuminating adjacent residential neighborhoods and/or natural areas at a level greater than one foot candle above ambient conditions.

K. Walls

1. Encourage alternatives to soundwalls and permit new soundwalls only where alternatives are not feasible. Along Major Arterials that coincide with a Mixed Use Center, such as Kettleman Lane, ensure that soundwalls do not disrupt pedestrian-orientated character. Alternative designs could include frontage roads, dense vegetation, and ensuring sufficient insulation in residential units that would potentially be impacted by the noise.

L. Equipment, Service Area, and Refuse Area Screening

1. Roof-mounted utility and communication equipment shall be screened from view by structural features that are an integral part of the building's architectural design.

2. Loading and service areas shall be concealed from view within the building envelope or shall be located to the rear of the site and designed for minimal visual impact and circulation conflicts.

3. When trash enclosures, loading docks, utility equipment, and similar uses are visible from a side street or a neighboring property, they shall be screened using materials, colors, and landscaping that are harmonious with the site design and building architecture.

4. Trash storage areas shall be covered to reduce unsightly views.

5. Trash enclosures shall provide an area for recycling.

17.22.070 – Mixed Use Corridor Design Guidelines

A. Purpose

The Mixed Use Corridor Design Guidelines are intended to provide clear and useful recommendations for the design, construction, review, and approval of Mixed Use Corridor development in the City of Lodi. Mixed Use Corridor development will play a vital role in reactivating key roadway corridors in the City through stimulation of new development along the corridors and interconnection of the corridors with surrounding neighborhoods. This chapter will help ensure that new projects will be well designed, uphold the City's vision, and contribute to the quality of the public realm.

B. Applicability

1. The Design Guidelines in this chapter apply to the roadways designated as Mixed Use Corridor in the General Plan. Key corridors include Kettleman Lane, Cherokee Lane, Lodi Avenue, and Central Avenue. The design elements of each project (including site design, architecture, landscaping, parking design) will be reviewed on a comprehensive basis.

2. The review authority may interpret these design guidelines with some flexibility in their application to specific projects, as not all design criteria may be workable or appropriate for each project. In some circumstances, one guideline may be relaxed to facilitate compliance with another guideline determined by the review authority to be more important in the particular case. The overall objective is to ensure that the intent and spirit of the design guidelines are followed.

C. Site Planning

1. Special Standards for Lodi Avenue and Central Avenue

At least 30 percent of development site shall include active uses – retail, restaurants, cafes, and personal service establishments – fronting the streets at the ground level in order to accommodate pedestrian-oriented, neighborhood serving commercial uses. The minimum interior depth of these commercial spaces shall be 25 feet. A range of compatible uses, such as residential or office, may be located at upper levels and in portions not fronting the streets.

2. Special Standards for Kettleman Lane

Allow any mix of uses as permitted within the Mixed Use Corridor classification. Ensure that residential uses are sited at upper levels or, if at ground level, then not directly facing the highly trafficked Kettleman Lane.

3. Special Standards for Cherokee Lane

Require any new development of site with Mixed Use designation south of Tokay Street to devote at least one-quarter of the built-up area to commercial uses, while allowing the full spectrum of single or mixed-uses permitted within the designation.

D. Building Placement

1. Buildings shall be encouraged to locate near or along the front property line(s).

2. Variations in the zero setback from the property line(s) may be appropriate when the resulting setback provides greater accommodation for pedestrian circulation, sidewalk dining areas, enhanced entries, and improves the pedestrian realm.

3. When a front setback is necessary, a majority of the setback shall be hardscaped with limited landscaping to accommodate uses that keep the public realm active, such as outdoor dining and seating.

E. Building Orientation

1. The main pedestrian access point to the building shall be located along the facade that is oriented to the primary street.

2. Buildings on corner lots shall have the primary entry facing the intersection. Corner entries help create an active public realm and reinforce significant street and sidewalk intersections.

3. Entries that face the primary street shall be directly connected to the street's sidewalks. Secondary and residential entrances can be connected to interior courtyards and parking lots.

4. The most active ground floor uses such as storefronts, lobbies, and restaurant dining areas shall front the public sidewalk. Private amenities, such as courtyards, that are not accessible to the public shall be located within the project site or on upper floors and not along the street.

F. Building Design and Architecture

1. General Building Organization and Frontage Standards

a. In Mixed Use Corridors the development of a complex of buildings is preferable to a single large structure because the varied massing provides visual interest and human scale. Additionally, the spaces created between the various buildings provide opportunities for pedestrian plazas, courtyards and other outdoor gathering areas.

b. Building plans, facades, and architectural details shall create visual interest at the street level (e.g., staggering the frontage of the building, recessing doors and windows, providing awnings and canopies for weather protection and scale, and visually extending interior spaces outside through paving and glazing to create the concept of an indoor/outdoor room, etc.).

c. Projects located at intersections shall ensure the design treatments are continued around the corner.

d. Development located at signalized intersections of major streets shall be encouraged to include pedestrian-oriented, community serving commercial uses such as a bookstore, coffee shop, or local market.

e. Development located at key intersections, including Lodi Avenue / Central Avenue; Lodi Avenue / School Street; and Lodi Avenue / Sacramento Street, shall contain appropriate design features, including buildings that punctuate the corner with design elements and/or projects that provide additional public or pedestrian amenities, such as plazas.

2. Specific Building Organization and Frontage Standards for all Mixed Use Corridors except Kettleman Lane and Cherokee Lane

Maintain a consistent building base/street wall along the majority of site frontage along Mixed Use Corridors (with the exception of Kettleman Lane and Cherokee Lane), with a minimum height of 15-25 feet.

3. Articulation

a. Where multiple-tenant spaces are incorporated into a building, individual tenant spaces shall be located within the building bays. This can be achieved by any of the following:

- Placing a column, pier or pilaster between facade elements.
- Applying vertical slot or recess between facade elements.
- Providing variation in plane along the building wall.
- Varying the building wall by recessing the storefront entrance or creating a niche for landscaping or pedestrian area.

b. Primary building entries shall be accented with strong architectural definition.

c. Mixed use buildings shall be designed with a distinct “base”, “middle”, and “top” to create a human-scaled public realm. Elements that are recommended to articulate a building’s facade include:

- Design details for the top of a building, including cornice lines, parapets, eaves, brackets and other detailing.
- Design details for the body, or middle, of the building including windows, awnings, trellises, canopies, alcoves, balconies, pilasters, columns, decorative lighting and window boxes.
- Design details for the base of a building, including recessed entry areas, covered outdoor areas and alcoves.

d. The proportion and placement of windows on upper floors shall be designed to look different from the windows on the ground floor.

e. Awnings are encouraged, and if used, should be provided over each storefront of buildings with multiple storefronts. These awnings should be located within the individual structural bays and should not hide architectural detailing.

f. Awnings on multi-tenant buildings should be the same color and style and should be consistent with the character and design of the building.

g. In order to promote active, pedestrian-friendly streets, each individual tenant or business establishment and residential lobbies shall be oriented to and accessible from the major street frontage and directly accessible from the public sidewalk.

h. Rear walls and elevations visible from the public right-of-way shall be designed to maximize visual appeal by using vertical and horizontal wall plane breaks.

4. Roofs

a. Roofs should be compatible with the architectural style of the building.

b. The roof shape should reflect the configuration of the building's mass and volume, and should be consistent in its character from all vantage points.

c. Sloping roof forms are encouraged.

d. The visible portion of sloped roofs shall be sheathed with a roofing material complementary to the architectural style of the building.

e. All buildings shall provide cornice or parapet detailing in order to delineate a strong roofline along the primary facades.

f. Cornices and horizontal bands of genuine materials, such as wood trim rather than foam are strongly encouraged.

g. False fronts, applied mansard forms and other artificial rooflines that are not an integral component of the architectural design should be avoided.

5. Building Materials

a. A well-defined building "base" (i.e., ground floor) provides scale and articulation at the pedestrian level. The "base" shall consist of traditional thicker walls along with high quality, durable, and easy to clean materials and finishes. Special materials (e.g., granite, marble, polished stone, and other metal panels) shall be utilized as accent materials on the building's "base."

b. Upper floors that are less prone to potential vandalism shall utilize high quality finish materials of traditional mixed-use projects (e.g., brick veneer, smooth troweled stucco, etc.).

c. Materials and colors shall be selected to unify the building appearance and fit into the pedestrian context. Avoid overly vibrant colors and/or monochromatic color palettes.

d. Awning materials should be compatible with the overall design and character of the building. The use of fabric awnings is encouraged. The use of vinyl and plastic awnings is discouraged.

6. Windows

a. Windows shall be large glazed panels, possibly with small upper transoms. Window patterns shall have a slight inset and not appear flat. Glass shall be clear (88 percent light transmission) and not heavily tinted so as to provide views into active spaces or window displays.

b. Thirty to 60 percent of linear store frontage at the street facade should be used for the display windows and evenly distributed. A higher percentage shall be encouraged for Lodi and Central Avenues, where higher pedestrian activity is expected. False fronts or windows should not be included that are not integral components of the building.

c. Windows on the upper floors shall be smaller in size than storefront windows on the first floor and shall encompass a smaller proportion of facade surface area.

d. Upper story windows shall be detailed with architectural elements, such as projecting sills, molded surrounds and/or lintels.

e. Where unique use or occupancy requirements preclude the addition of windows, such as theaters or parking structures, exterior walls shall be designed to provide architectural relief or shall be screened by landscaping and pedestrian amenities, such as trellises, benches or shade structures.

f. To ensure and protect the privacy of residents in adjacent single-family homes, windows in mixed-use projects facing single family residences within 15 feet of the property line, shall be carefully arranged. Examples of privacy options include translucent or louvered windows, offset window patterns, and locating windows five-feet above the floor level.

G. Plazas

1. Plazas shall incorporate high quality paving materials, such as stone, concrete or tile. The paving shall complement the adjacent public streetscape elements.

2. Plazas should be visible from public streets and the pedestrian network and accessible from the building as well as the street and pedestrian network.

3. Focal elements such as sculptures, art, or water features shall be incorporated into courtyard and plaza design.

4. Site furniture shall be carefully placed to not create pedestrian/vehicular conflicts. All outdoor seating areas shall leave at least five feet of unobstructed pedestrian space.

5. Graffiti resistant material and/or coating and skateboard deterrents shall be required to retain the furniture's attractiveness.

6. All outdoor dining furniture and umbrellas in the public right-of-way shall be removed and stored inside during hours of non-operation.

H. Parking and Circulation

1. Customer and tenant parking shall be encouraged to be located at the rear of buildings, in facilities, in off-street parking lots, or adjacent parking lots. Whenever possible, parking shall be placed behind the mixed use buildings.

2. Mixed-use projects must provide secure separate parking spaces for the residential units. The secure residential spaces shall be accessed via a gate code or other security mechanism.

3. Vehicular access shall be provided from side streets, adjacent alleys, and parallel streets whenever possible.

4. Where possible, rear parking lots shall be designed and located contiguously so vehicles can travel from one private parking lot to another without having to enter the street. This may be achieved with reciprocal access agreements.

5. The number of curb cuts for vehicular entry into the site shall be minimized so that pedestrian and bicycle areas are safe, secure, and passable.

6. Where possible, require abutting new developments to share a single access point from the road and allow only one curb cut per parcel.

7. Pedestrians shall have a clear and direct route from on-site parking to the building entry and public sidewalk system. The circulation path shall be direct, continuous, marked, and free of barriers (e.g., site equipment, signage, utility poles, etc.).

8. Any paving pattern, color, and material used to articulate pathways and pedestrian areas shall continue when driveways intersect with these areas. Where pedestrian circulation paths cross vehicular circulation paths, a material change, contrasting color, or slightly raised crossing shall be used to clearly delineate the continuing pedestrian path.

9. Adjacent properties shall be adequately screened from the parking structures and lots.

10. Secure, covered bicycle parking in residential mixed-use projects shall be provided.

11. Commercial bicycle racks shall be in public view, close to building entrances, with high visibility and sufficient lighting.

12. Include bicycle lanes along Mixed Use Corridors per Figure 5-3, General Plan Bicycle System, of the Transportation Element of the Lodi General Plan.

13. The following key intersections shall include improved pedestrian crossings, per Figures 4-6 to 4-9 of the Community Design and Livability Element of the Lodi General Plan. Improvements that shall be considered include but are not limited to corner bulb-outs with gathering spaces and special crosswalks. Gathering space components could include shelter from sun and rain, seating options, landscaping (including shade trees and planters), trash receptacles, signage and fountains.

a. Kettleman Lane

- Kettleman Lane / South Mills Avenue
- Kettleman Lane / Woodbridge Irrigation District Canal Trail Crossing
- Kettleman Lane / South Ham Lane
- Kettleman Lane / South Fairmont Avenue
- Kettleman Lane / South Hutchins Street

b. Lodi Avenue

- Lodi Avenue / South Hutchins Street

c. Central Avenue

- Central Avenue / Tokay Street
- Central Avenue / Eden Avenue
- Central Avenue / Flora Avenue
- Central Avenue / Hilborn Avenue

14. The following priority streets shall include streetscaping and pedestrian comfort measures within the Mixed Use Corridor boundaries, per Figures 4-6 to 4-9 of the Community Design and Livability Element of the Lodi General Plan. Streetscape amenities may include: street trees, wide sidewalks, special paving, street lighting, seating, info kiosks, open bus stop shelters, and bicycle racks.

a. Kettleman Lane

- South Mills Avenue
- South Ham Lane
- South Fairmont Avenue
- South Hutchins Street

b. Cherokee Lane

- Pine Street
- Lodi Avenue
- Tokay Street
- Industrial Way
- Vine Street

c. Lodi Avenue

- South Ham Lane
- South Hutchins Street
- South Pleasant Avenue
- Stockton Street
- Garfield Avenue

I. Landscaping

1. Emphasis shall be placed on California or Mediterranean style landscaping, particularly indigenous plants, ornamental vines, and flowers in either container pots or as part of an arbor/trellis. Landscaping must be well maintained with drip irrigation systems for trees/garden beds and pots that does not drain across the pavement.

2. All landscaping shall employ features and techniques that reduce the demand for and consumption of water, including appropriate low-water plants, a high degree of paving permeability and water conserving irrigation techniques and systems.

3. Planting plans for building setbacks should include a hierarchy of plantings in terms of size and types of plant materials that mark the transition between the horizontal ground plane at the sidewalk or parking area and the tall, vertical facades of buildings.

4. Continuous street trees shall be included between the corridor roadway and sidewalk, unless infeasible.

5. Medians within corridor roadways shall be wide enough to act as refuges and support some landscaping, particularly at crossings.

6. Trees in paved areas shall be provided with “deep root” barriers, deep root automatic irrigation, and expandable metal tree grates of adequate size. Root barriers shall be of a material specifically designed for containing tree roots. Irrigation shall be adapted for deep watering.

7. For plazas, shade trees or other sun-screening elements shall be incorporated in the design to provide well-shaded seating areas. Decorative planters shall be considered for plazas.

8. Parking lots visible from the street and pedestrian areas shall incorporate landscaping treatments (e.g., trees, shrubs, groundcover, etc.). Larger parking lots that are not parking structures shall also incorporate landscaped medians where appropriate.

J. Lighting

1. Lighting fixtures shall be attractively designed to complement the architecture of the project, signify building entry locations, and improve visual identification of residences and businesses.

2. On each project site, all lighting fixtures shall be architecturally compatible with the buildings and from the same “family” with respect to design, materials, color, style, and color of light.

3. Wall mounted lights shall be used to the greatest extent possible to minimize the total number of freestanding light fixtures.

4. The lighting of building elements and garden walls is an effective and attractive lighting technique that should be considered.

5. In order to use less energy and reduce light pollution, ensure that lighting associated with new development or facilities (including street lighting, recreational facilities, and parking) shall be

designed to prevent artificial lighting from illuminating adjacent residential neighborhoods and/or natural areas at a level greater than one foot candle above ambient conditions.

K. Signage and Gateways

For Mixed Use Corridors, including but not necessarily limited to Kettleman Lane, Cherokee Lane, Lodi Avenue, Central Avenue, Sacramento Street, and Stockton Street, develop a wayfinding and signage scheme along the corridors that utilizes public art and street elements, such as banners and light fixtures. The scheme should reinforce the City's identity and linkages to downtown.

L. Walls

Encourage alternatives to soundwalls and permit new soundwalls only where alternatives are not feasible. Alternative designs could include frontage roads, dense vegetation, and ensuring sufficient insulation in residential units that would potentially be impacted by the noise.

M. Equipment, Service Area, and Refuse Area Screening

1. Roof-mounted utility and communication equipment shall be screened from view by structural features that are an integral part of the building's architectural design.

2. Loading and service areas shall be concealed from view within the building envelope or shall be located to the rear of the site and designed for minimal visual impact and circulation conflicts.

3. When trash enclosures, loading docks, utility equipment, and similar uses are visible from a side street or a neighboring property, they shall be screened using materials, colors, and landscaping that are harmonious with the site design and building architecture.

4. Trash storage areas shall be covered to reduce unsightly views.

5. Trash enclosures shall provide an area for recycling.

CHAPTER 17.24 - INDUSTRIAL ZONING DISTRICTS

Sections:

17.24.010 - Purpose of Chapter
17.24.020 - Purposes of Industrial Zoning Districts
17.24.030 - Industrial Zoning District Land Uses and Permit Requirements
17.24.040 - Industrial Zoning District General Development Standards
17.24.050 - Industrial Design Guidelines

17.24.010 - Purpose of Chapter

This Chapter lists the uses of land that may be allowed within the industrial zoning districts established by Section 17.10.020 (Zoning Districts Established), determines the type of land use permit/approval required for each use, and provides basic standards for site development.

17.24.020 - Purposes of Industrial Zoning Districts

The industrial zoning districts are intended to provide for a range of industrial uses, emphasizing high quality development, and to encourage revitalization of existing industrial land uses. The purpose of the individual industrial zoning districts and the manner in which they are applied are as follows.

A. **M (Industrial) District.** The M zoning district is applied to areas appropriate for a mix of heavy manufacturing, warehousing, general service, storage, and distribution activities. The maximum FAR is 0.6. The M zoning district is consistent with the Industrial land use designation of the General Plan.

B. **BP (Business Park) District.** The BP zoning district is applied to areas appropriate for office activities that generate high employment yield per acre. It accommodates campus-like environments for a corporate headquarters and other office parks. This designation may also provide for light industrial and production facilities. The maximum FAR is 1.0. The BP zoning district is consistent with the Business Park land use designation of the General Plan.

17.24.030 - Industrial Zoning District Land Uses and Permit Requirements

Table 2-10 identifies the uses of land allowed by this Development Code in the industrial zoning districts, and the land use permit required to establish each use, in compliance with Section 17.12.030 (Allowable Land Uses and Permit Requirements).

Note: where the last column in the tables ("Specific Use Regulations") includes a section number, the regulations in the referenced section apply to the use; however, provisions in other sections of this Development Code may also apply.

Industrial Zoning Districts

TABLE 2-10 **Industrial - Allowed Uses and Permit Requirements**		**A**	**Allowed Use**	
		UP	**Use Permit Required**	
		MUP	**Minor Use Permit Required**	
		—	**Use not allowed**	
LAND USE	**PERMIT REQUIRED**			**Specific Use Regulations**
		M	**BP**	
AGRICULTURE AND OPEN SPACE				
Production of crops		A	A	
RECREATION, EDUCATION, & PUBLIC ASSEMBLY USES				
City offices		A	A	
Clubs, lodges & membership halls		A	—	
Health/fitness facilities		—	A	
Indoor sports facility		—	A	
Outdoor recreation facilities		UP	UP	
School - Specialized education and training		A	A	
Studio - Art, dance, martial arts, music, etc.		UP	UP	
RESIDENTIAL USES				
Residential shelters		UP	—	
RETAIL TRADE				
Accessory retail uses		A	A	
Adult entertainment business		A	—	Municipal Code Chapter 5.40
Alcoholic beverage sales, on-site		UP	UP	
Auto parts sales		A	—	
Auto sales and rental		A	A	
Building material stores		A	—	
Construction/heavy equipment sales and rental		A	A	
Convenience stores		—	UP	
Drive-in and drive-through sales and services		—	UP	
Gas Stations		A	UP	
Mobile home and RV sales		A	A	
Plant nurseries and garden supply stores		A	—	
Restaurants		A	A	

Industrial Zoning Districts

TABLE 2-10 **Industrial - Allowed Uses and Permit Requirements**	**A**	**Allowed Use**
	UP	**Use Permit Required**
	MUP	**Minor Use Permit Required**
	—	**Use not allowed**

LAND USE	**PERMIT REQUIRED**			**Specific Use Regulations**
		M	**BP**	
SERVICES – BUSINESS, FINANCIAL, PROFESSIONAL				
Automated teller machines (ATMs)		A	A	
Banks and financial services		—	A	
Business support services		A	A	
Medical - Clinics, offices, and laboratories		—	A	
Medical - Extended care		—	A	
Medical - Hospitals		—	A	
Offices		A	A	
Professional Services		A	A	
SERVICES				
Auto repair and maintenance		A	—	
Car wash		—	UP	
Contractor storage yard		A	—	
Food locker/distribution		A	—	
Hotels and motels		UP	UP	
Mortuaries and funeral homes		A	—	
Research and development		A	A	
Storage - Indoor		A	—	
Upholstering shops		A	—	
Veterinary clinics, outpatient treatment only		A	—	
Veterinary clinics, animal hospitals, kennels		A	—	

Industrial Zoning Districts

TABLE 2-10 **Industrial - Allowed Uses and Permit Requirements**	**A**	**Allowed Use**
	UP	**Use Permit Required**
	MUP	**Minor Use Permit Required**
	—	**Use not allowed**

LAND USE	**PERMIT REQUIRED**			**Specific Use Regulations**
		M	**BP**	
INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING				
Accessory uses - industrial		A	A	
Auto dismantling		UP	—	
Chemical manufacturing and processing		UP	UP	
Electronics, equipment, and appliance manufacturing		A	A	
Food and beverage product manufacturing		A	UP	
Furniture/fixtures manufacturing, cabinet shops		A	UP	
Handcraft industries, small-scale manufacturing		A	UP	
Laundries and dry cleaning plants		A	—	
Lumberyards		A	—	
Metal products fabrication, machine/welding shops		A	—	
Milling		A	—	
Paper and allied product manufacturing		A	—	
Petroleum/coal product storage and processing		UP	—	
Printing and publishing		A	A	
Product assembly and packaging		A	A	
Quarry materials storage and processing		UP	—	
Railyard/boat/aircraft manufacturing and repair		UP	—	
Recycling facilities				
Small collection facility		—	—	17.36.110
Large collection facility		UP	—	17.36.110
Plastics manufacturing		A	UP	
Warehouses, wholesaling and distribution		A	UP	

Industrial Zoning Districts

TABLE 2-10 **Industrial - Allowed Uses and Permit Requirements**		**A**	**Allowed Use**	
		UP	**Use Permit Required**	
		MUP	**Minor Use Permit Required**	
		—	**Use not allowed**	
LAND USE	**PERMIT REQUIRED**			**Specific Use Regulations**
		M	**BP**	
TRANSPORTATION, COMMUNICATION & INFRASTRUCTURE USES				
Broadcasting studios		A	UP	
Parking facilities/vehicle storage		A	—	
Telecommunications facilities		MUP	—	17.36.140
Truck and freight terminals		A	—	
Utility Facility		UP	—	

17.24.040 - Industrial Zoning District General Development Standards

Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Table 2-11, in addition to the applicable development standards (e.g., landscaping, parking and loading, etc.) in Article 3, (Site Planning and General Development Standards).

TABLE 2-11 - INDUSTRIAL DISTRICT GENERAL DEVELOPMENT STANDARDS

Development Feature	Requirement by Zoning District		
	M		**BP**
Minimum lot size	*Minimum area, width, and depth required for new parcels.*		
Area	10,000 sq. ft.		1 acre
Width and depth	75 ft. wide/100 ft. deep		75 ft. wide/100 ft. deep
Setbacks	*Minimum and, where noted, maximum setbacks required. See Section 17.14.060 for exceptions to these requirements.*		
Front	10 ft.		25 ft.
Street side	10 ft.		10 ft.
Sides (each)	None (1)		None. (1)
Rear	None (1)		None (1)
Floor Area Ratio (FAR)	0.60		1.0
Height limit	70 ft.(2)		
Landscaping	Landscaping shall be provided: 1. As required by Chapter 17.30 (Landscaping); and 2. A minimum of 10 ft. of landscaping shall be provided across the entire frontage of an industrial building.		
Parking	As required by Chapter 17.32 (Parking and Loading)		
Enclosure requirement	All uses shall be conducted within a completely enclosed building unless the specific use and zone permit otherwise. Uses allowed in an applicable zone that are determined by the Director to require outdoor storage or activities (for example, vehicle sales lots, service stations, etc.) may be exempted from this requirement.		

Notes:
(1) None required except: When adjacent to a res. zone boundary where a min. of 20 ft. is required.
(2) Additional height is allowed by use permit.

17.24.050 - Industrial Design Guidelines

A. Purpose

The Industrial Design Guidelines are intended to provide clear and useful recommendations for the design, construction, review, and approval of Industrial development in the City of Lodi. The City of Lodi recognizes the unique requirements of industrial development and the potential for such development, through careful design, to make a positive contribution to the appearance of the community. Site and building design provisions herein are focused on the view from public rights-of-way and compatibility with surrounding development. This chapter will help ensure that new projects will be well designed, uphold the City's vision, and contribute to the quality of the public realm.

B. Applicability

1. The Design Guidelines in this chapter apply to the sites designated as Industrial in the General Plan. The General Plan Industrial land use designation includes the General Mills factory and sites along the railroad and east of State Route 99. The design elements of each project (including site design, architecture, landscaping, parking design) will be reviewed on a comprehensive basis.

2. The review authority may interpret these design guidelines with some flexibility in their application to specific projects, as not all design criteria may be workable or appropriate for each project. In some circumstances, one guideline may be relaxed to facilitate compliance with another guideline determined by the review authority to be more important in the particular case. The overall objective is to ensure that the intent and spirit of the design guidelines are followed.

C. Building Orientation

1. Design industrial sites to minimize the visual impacts of parking areas, equipment, and outdoor storage from public rights-of-way. Mitigate these undesirable visual impacts through proper placement and design of buildings, screen walls, and landscaping.

2. New buildings shall be oriented toward the adjoining public streets, so that public entrances are a focal point on the building and site layout.

3. Industrial buildings shall be oriented so that bays and loading docks do not directly face the primary street frontage. Loading areas shall be located in the rear or side of the building whenever possible; however, they should never face adjacent residential uses.

D. Building Design and Architecture

1. Massing and Scale

a. Organize the massing of larger buildings into components that more readily relate to the human scale.

b. Reduce the mass and scale of large industrial buildings with building facades and wall height variations, and by articulating rooflines and wall planes.

c. Avoid long, repetitive, monotonous facades – particularly those that repeat the same design element several times along the same elevation.

d. The scale of building(s) on the site edge shall be compatible with the scale of adjoining development. Where surrounding development is of a small scale, large scale buildings shall be located internal to the site and transition down in scale as the outer edge of the site approaches.

2. Articulation and Detail

a. Individual design elements shall be faithful to the overall architecture of the building. Architectural details shall be part of the design and not something applied as an afterthought. A consistent design theme provides continuity and avoids confusion of style.

b. Front and street-side facades of large buildings visible from a public street or adjacent residential property shall include architectural features such as reveals, windows and openings, trellises, changes in color, texture, and material to add interest to the building elevation and reduce its visual mass.

c. Consideration shall be given to recessing building floors above the first story and providing vertical or horizontal offsets in the wall surfaces at regular intervals, including columns, projections, and recesses, (e.g. every 20 feet).

d. All sides of the building visible from the street or residential property shall have the same level of architectural detailing as the main elevation.

e. Primary building entries shall have pedestrian scale and shall be expressed with windows, awnings, trellises, articulation, arcades, landscape, planters, and material changes or other design elements so that the building entry is easily identified and visible from the street and parking lot.

f. Architectural detail at the street level shall establish human scale and enhance the building's and the streetscape's appearance.

3. Roofs

a. Roofs shall be compatible with the architectural style and scale of the building.

b. The roof shape shall reflect the configuration of the building's mass and volume, and shall be consistent in its character where visible from public streets.

c. Rooflines for large buildings shall be broken up and varied by providing change in the height of a portion of the roof(s), change in form, or other articulations. High pitched "A-frame" type rooflines and partial mansards should be avoided.

4. Building Materials and Colors

a. Innovative use of durable, high quality materials such as brick, stone, tile, stucco, and concrete is encouraged.

b. Incorporation of energy conservation features is encouraged in industrial buildings to exceed California's 2005 Title 24 regulation standards for building energy efficiency.

c. Use a color scheme (for example: two analogous colors plus a complementary trim color) to create visual interest and enhance the streetscape appearance of the building.

d. Use earthtone colors and keep the number of colors used on the building and within the overall streetscape to a minimum.

e. Use smaller, articulated, varied color and texture wall surfaces rather than larger homogenous ones.

f. The same exterior colors and finishes shall be used on all sides of the structure.

g. Building color shall not be used as signage, branding, or business identification.

h. Awning materials shall be compatible with the overall design and character of the building. The use of fabric awnings is encouraged. The use of vinyl and plastic awnings is discouraged.

E. Parking and Circulation

1. Site access shall allow for easy circulation throughout the project to minimize conflicts between vehicles and pedestrians, between employee/visitor traffic and truck shipping/delivery. Separate walkways shall be provided to the public way from the main entrance. Main pedestrian routes through parking areas to building entrances shall have decorative paving treatment or other demarcation of pedestrian right-of-way.

2. Enhance primary entry drives for automobiles, especially visitors, with ornamental landscaping, special treatment, and monument type signs to communicate site access locations.

3. Parking lots shall not be the dominant visual element of the site. It is generally more visually appealing to locate parking lots along the side or the rear of buildings. Small customer-oriented parking lots are appropriate toward the front of the site; however, the majority of employee parking should be located to the rear of the site to the maximum extent feasible. To avoid large expanses of paved areas, large parking lots should be divided into smaller parking areas. Buildings should not be located in a manner that make them appear like “islands” surrounded by paved areas.

4. The number of site accesses (ingress/egress) shall be controlled in terms of the location and number of driveways to minimize traffic safety conflicts, street congestion, and unnecessarily disrupted street frontage. Where possible, adjoining properties should share access driveways to minimize the number of driveways along public streets. Shared service or secondary access alleys shall also be considered. Use of an existing side street for primary or secondary access is encouraged as opposed to creating one or more new curb cuts on a collector or arterial street.

5. New streets for industrial projects shall be designed to handle heavier loads associated with truck operations, as necessary. Larger turning movements shall also be included in new streets to facilitate truck movements.

F. Landscaping

1. Emphasis shall be placed on California or Mediterranean style landscaping, particularly indigenous plants, ornamental vines, and flowers in either container pots or as part of an arbor/trellis. Landscaping must be well maintained with drip irrigation systems for trees/garden beds and pots that do not drain across the pavement.

2. All landscaping shall employ features and techniques that reduce the demand for and consumption of water, including appropriate low-water plants, a high degree of paving permeability and water conserving irrigation techniques and systems. Recycled water should be utilized to the extent possible.

3. Trees in paved areas shall be provided with "deep root" barriers, deep root automatic irrigation, and expandable metal tree grates of adequate size. Root barriers shall be of a material specifically designed for containing tree roots. Irrigation shall be adapted for deep watering.

4. Planting plans for building setbacks should include a hierarchy of plantings in terms of size and types of plant materials that mark the transition between the horizontal ground plane at the sidewalk or parking area and the tall, vertical facades of buildings.

5. The use of vines, trellises, and landscape screen walls is strongly encouraged on larger areas of unadorned building facades to soften the appearance and to deter graffiti.

6. Increase the amount of landscaping and special landscape features at project entries and pedestrian gathering areas.

7. Minimize the quantity of impervious paving in parking areas and maximize the use of landscaping or permeable pavement on-site to reduce surface water runoff and the need for water detention basins.

8. Where it is infeasible to locate all large parking areas to the rear of the building, views of expansive paved areas from public rights-of-way and/or residential areas shall be minimized by landscaping within and along the perimeter of parking lots.

9. Required parking lot landscaping shall include the use of landscape planters along parking aisles throughout the parking lot.

10. Streetscapes shall incorporate a mix of trees, shrubbery, and ground cover to establish a landscape corridor presence.

11. Consideration shall be given to the incorporation of open space areas in the form of courtyards, plazas, shaded arcades and functional landscaped areas. These features should link adjoining buildings and take advantage of outdoor as well as indoor space. These features can be located in areas with recessed facades or setbacks in excess of minimum standards, and may be designed for use by employees and/or customers. Pedestrian features such as benches, tables, fountains, artwork, and landscaping should be incorporated as focal points or relaxation area.

G. Lighting

1. The design and location of outdoor lighting fixtures shall preclude direct glare onto adjoining non-industrial property and streets.

2. Outdoor lighting shall be designed to foster security. Illumination should be increased at building entries to increase visibility and safety.

3. Use landscape lighting and exterior lighting to enhance project design features. Lighting fixtures shall have sharp cut off so that no direct lighting falls onto adjacent properties or the public right-of-way.

4. As applicable, illuminate flags only with very narrow spot type lamps directed no more than 15 degrees from vertical. Shield fixtures so that the light source is not visible from off-site.

H. Equipment, Service Area, and Refuse Area Screening

1. Roof-mounted utility and communication equipment shall be screened from view by structural features that are an integral part of the building's architectural design.

2. Loading and service areas shall be concealed from view within the building envelope or shall be located to the rear of the site and designed for minimal visual impact and circulation conflicts.

3. When trash enclosures, loading docks, utility equipment, and similar uses are visible from a street, they shall be screened using materials, colors, and landscaping that are harmonious with the site design and building architecture.

4. Trash enclosures shall provide an area for recycling.

I. Metal Buildings

Metal buildings present their own special set of challenges and opportunities in the community context. If metal buildings are well articulated and surfaces are judiciously mixed with other materials, or textures, and colors, they can make an attractive contribution to industrial park appearance.

1. Metal buildings should incorporate architectural features such as gable, hip, and other sloping roof forms, prominent main entries, windows, storefront, glazed doors, canopies and window awnings, use of brick or stone at building base, and architectural lighting fixtures to make a positive contribution to the streetscape.

2. Street frontages of metal buildings shall present sloping or articulated roof forms. Eaves and steeper roof pitches are more attractive than shallow roofs and roofs without eaves.

3. As with all building design, roofs, particularly metal roofs, contribute significantly to a building's appearance and character. Variety in roof shapes and colors should complement the scale of the building. Darker, non-glare colors help reduce the mass of metal roof designs. Metal roofs can incorporate standing seam, tile and shake materials to create visual interest in design.

4. Long, stark, and uninterrupted panels used for metal buildings shall be avoided. Use of panels with continuous vertical seams shall also be avoided. Other building materials should be

incorporated into structural design to add contrast, variety, and visual interest in building form. Wall systems should use techniques that hide or disguise wall fastening systems and seams. Building features such as columns, curved metal corners, deep reveals at construction joints or other details should be incorporated into building design to add interest into the architectural design.

5. Window treatments can provide a key design element for metal buildings. Windows shall particularly be incorporated along the street front elevation(s) to help metal buildings incorporate human-scale design elements that address the building to the street. Windows should incorporate changes in building plane by either recessing or projecting them as integral parts of the overall design theme. Detailed window fenestration should be incorporated around windows including change in relief, color, pattern, and/or materials.

6. Downspouts shall be concealed unless they are part of the design, in which case downspouts shall be coated to match the wall color.

7. Any freestanding outbuildings shall use forms, shapes and materials that are consistent with the main structure.

8. Large expanses of light colored metal wall materials shall be avoided. Darker colors help visually reduce the prominence of large metal buildings. Horizontal color bands, and wall projections and recesses, provide shadowing to accentuate differentiation for wall designs. Consider using corrugated or flat fiber-reinforced cement panels, as well as metal.

CHAPTER 17.26 - SPECIAL PURPOSE ZONING DISTRICTS

Sections:

17.26.010 - Purpose of Chapter
17.26.020 - Purposes of Special Purpose Zoning Districts
17.26.030 - Special Purpose District Land Uses and Permit Requirements
17.26.040 - Public and Community Facilities District Development Standards

17.26.010 - Purpose of Chapter

This Chapter lists the uses of land that may be allowed within the special purpose zoning districts established by Section 17.10.020 (Zoning Districts Established), determines the type of land use permit/approval required for each use, and provides basic standards for site development.

17.26.020 - Purposes of Special Purpose Zoning Districts

The purposes of the individual special purpose zoning districts and the manner in which they are applied are as follows.

A. PF (Public and Community Facilities) Zoning District. The PF zoning district is applied to areas suitable for public land uses including government offices, schools, and libraries, and other related public uses. The PF zoning district is consistent with the Public/Quasi Public and the Detention Basins and Parks land use designations of the General Plan.

17.26.030 - Special Purpose District Land Uses and Permit Requirements

Table 2-12 identifies the uses of land allowed by this Development Code in the commercial zoning districts, and the land use permit required to establish each use, in compliance with Section 17.12.030 (Allowable Land Uses and Permit Requirements).

Note: where the last column in the tables ("Specific Use Regulations") includes a section number, the regulations in the referenced section apply to the use; however, provisions in other sections of this Development Code may also apply.

TABLE 2-12 **Special Purpose Zones - Allowed Uses and Permit Requirements**	**A** Allowed Use **B** Use Permit required **MUP** Minor Use Permit required **—** Use not allowed	
LAND USE	**PF DISTRICT PERMIT REQUIREMENT**	**Specific Use Regulations**
AGRICULTURE AND OPEN SPACE		
Clubs, lodges, & membership halls	A	
RECREATION, EDUCATION, & PUBLIC ASSEMBLY USES		
Cemetery	A	
City offices	A	
Clubs, lodges, & membership halls	A	
Community centers	A	
Fairgrounds	A	
Health/fitness facilities	A	
Indoor amusement/entertainment facilities	A	
Indoor sports facility	A	
Libraries, museums, galleries (public)	A	
Outdoor recreation facilities	A	
Parks and playgrounds	A	
Religious facilities	UP	
School - Public	A	
Schools - Specialized education and training	A	
Studios - Art, dance, martial arts, music, etc.	A	
Theaters and auditoriums	A	
TRANSPORTATION, COMMUNICATION & INFRASTRUCTURE USES		
Parking facilities/vehicle storage	A	
Telecommunications facilities	A	17.36.140
Utility Facility	A	

17.26.040 - Public and Community Facilities District Development Standards

Standards for development within the PF zoning district will be determined by the City through the project review process.

CHAPTER 17.28 - OVERLAY ZONING DISTRICTS

Sections:

17.28.010 - Purpose of Chapter
17.28.020 - Applicability of Overlay Zoning Districts
17.28.030 - Flood Hazard (-F) Overlay Zoning District
17.28.040 - Planned Development (-PD) Overlay Zoning District

17.28.010 - Purpose of Chapter

This Chapter regulates new and existing structures and land uses in the overlay zoning districts established by Section 17.10.020 (Zoning Districts Established). The provisions of this Chapter provide guidance for development in addition to the standards and regulations of the primary zoning districts, where important site, environmental, safety, compatibility, or design issues require particular attention in project planning.

17.28.020 - Applicability of Overlay Zoning Districts

The provisions of this Chapter apply to proposed land uses and development in addition to all other applicable requirements of this Development Code. Any perceived conflict between the provisions of this Chapter and any other provision of this Development Code shall be resolved in compliance with Section 17.02.020.D.

A. Mapping of overlay districts. The applicability of any overlay zoning district to a specific site is shown by the overlay Zoning Map symbol established by Section 17.10.020 (Zoning Districts Established), being appended as a suffix to the symbol for the primary zoning district on the Zoning Map. The overlay districts are applied to property through the rezoning process (Chapter 17.72).

B. Allowed land uses, permit requirements, development standards. Except as may be otherwise provided by this Chapter for a specific overlay district:

1. Any land use normally allowed in the primary zoning district by this Article may be allowed within an overlay district, subject to any additional requirements of the overlay district;

2. Development and new land uses within an overlay district shall obtain the land use permits required by this Article for the primary zoning district; and

3. Development and new land uses within an overlay district shall comply with all applicable development standards of the primary zoning district, except as modified by this Chapter.

17.28.030 - Flood Hazard (-F) Overlay Zoning District

A. Purpose. The - F overlay district is intended to protect people and property from flood hazard risks by appropriately regulating development and land uses within areas subject to flooding. Special regulation is necessary for the protection of the public health, safety and general welfare, and of property and improvements from hazards and damage resulting from floodwaters and to promote the open space conservation element policies of the General Plan.

B. Applicability.

1. **Application to property.** The -F overlay district is applied to areas within the City prone to flood hazard risks, combined with any primary zoning district as shown on the Zoning Map and by Section 17.10.020 (Zoning Districts Established).

2. **Floodplain boundaries.** The Mokelumne River floodplain is defined as those areas of special flood hazard identified by the Federal Insurance Administration through a scientific and engineering report entitled "The Flood Insurance Study for the City of Lodi," dated June, 1987, with accompanying flood insurance rate maps and any revision thereto, which are adopted by reference and declared to be a part of this section. Maps and data which reflect this delineation are on file in the office of the Director of Community Development.

C. Permit requirements. No structure or land shall, after the effective date of the ordinance codified in this chapter, be located, extended, converted or altered within the -F overlay zoning district without full compliance with the terms of this chapter, and without having first received a development or construction permit in accordance with the provisions of this title and, for developments requiring use permits, with the provisions of Section 17.12.030.

D. Allowable land uses. Nothing in this subsection is intended to authorize a use not otherwise allowed in the primary zoning district with which the -F overlay district is combined.

1. **Permitted uses generally.** Unless otherwise prohibited or subject to a use permit in the primary zoning district, the following uses are permitted without a use permit where modification or removal of native vegetation, including trees, is not required:

   a. Agriculture;

   b. Open space agricultural uses not requiring a closed building such as, orchards, and livestock feeding and grazing;

   c. The storage of farm machinery which is readily removable from the area within the time available after flood warning; and

   d. Recreational: firmly anchored recreational floating docks.

   e. Modification of native vegetation: Where modification or removal native vegetation is required, such modification or removal may be after obtaining a development permit consisting of written approval from the community development director; provided, that such modifications in the floodplain have been found to be consistent with the general plan.

2. **Permitted uses – Use Permit and State approval.** Unless otherwise prohibited in the primary zoning district, the following uses may be permitted after approval of a conditional use permit by the City and after approval by the State Department of Fish and Game and the Reclamation Board of the state; provided, that as determined by said Reclamation Board, a combination of such uses within the floodplain does not materially increase the flood height of the intermediate regional floodplain; and provided further, that as determined by the State Department of Fish and Game, full mitigation measures will be used to protect and enhance the trees, native plant materials and wildlife in the floodplain, in accordance with good fish and game practices and in accordance with the following:

a. Residential dwellings on existing undeveloped lots in subdivisions approved before January 1, 1977;

b. Outdoor recreational facilities:

(1) Campgrounds;

(3) Boating facilities;

(4) Parks;

(5) Golf courses or driving ranges;

(6) Athletic fields; and

(7) Shooting ranges.

c. Fences, fills, walls, excavations or other appurtenances which do not constitute an obstruction or debris-catching obstacle to the passage of floodwaters and which are consistent with the open space-conservation element policies;

d. Private drives, bridges, and public utility wires and pipelines for transmission and distribution;

e. Improvements in stream channel alignment, cross-section and capacity, including modification of riverbank and flood protection levees;

f. Structures that are designed to have a minimum effect upon the flow of water and are firmly anchored to prevent the structure from flotation (excepting floating docks); provided, that no structures for human habitation is permitted;

g. Other similar uses of a type not appreciably damaged by floodwaters.

3. Prohibited uses – Storage or processing. The storage or processing of materials that are in time of flooding buoyant, flammable or explosive, or could be injurious to human, animal or plant life, is prohibited.

E. Development standards. In all areas zoned in the -F overlay district, the provisions set out in Sections 1 through 6 are required.

1. Elevation of lowest floor. The lowest floor of any residential structure, including garages and accessory buildings, shall be elevated eighteen inches or more above the level of the base flood elevation.

2. Anchorage. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

3. Construction practices and materials. All new construction or substantial improvements shall be constructed with materials and utility equipment resistant to flood damage using methods and practices that minimize flood damage.

4. **Water and sewer systems.** New and replacement water and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

5. **Nonresidential structures.** New nonresidential structures shall be floodproofed or elevated eighteen inches or more above the level of the base flood.

6. **Floodproofing.** All structures requiring floodproofing shall be so designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads with effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this section are satisfied and a copy of such certification shall be provided to the director of public works and the chief building inspector.

F. **Warning – Liability denied.** The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made under this chapter.

17.28.040 - Planned Development (-PD) Overlay Zoning District

A. **Purpose.** The -PD overlay district is intended to identify areas where the City has determined that flexibility in the application of development standards will produce development projects of superior quality, including retention of unique site characteristics, creative and efficient project design, etc., than would have been achieved through strict application of the development standards required by the primary zoning district. The -PD zoning district is consistent with all land use designations of the General Plan.

B. **Applicability.**

1. **Eligible primary districts.** The -PD overlay district may be combined with any of the residential, commercial, or industrial zoning districts established by Section 17.10.020 (Zoning Districts Established).

2. **Minimum site area for district.** The -PD overlay zoning district shall only be applied to sites of five acres or larger.

C. **Permit requirements.** Planned Development Permit approval (Section 17.40.060) shall be required for all development and new land uses except the interim land uses allowed by Subsection D. below. A Planned Development Permit application must be simultaneously submitted with an application for rezoning to apply the -PD overlay zoning district, where rezoning is initiated by a property owner.

D. Allowable land uses. Any land use normally allowed by this Article in the applicable primary zoning district may be authorized within the -PD overlay district through the Planned Development Permit. Prior to the approval of a Planned Development Permit, allowable uses shall be limited to the following.

1. **Interim uses - Residential districts.** When the -PD overlay is combined with a residential zoning district, a site may be used for any of the agricultural, resource, and open space uses identified as permitted by Table 2-4. With Use Permit approval, a site may be used for these temporary, short-term activities involving no physical improvements to the site.

2. **Interim uses - Commercial districts.** When the -PD overlay is combined with a commercial zoning district, a site may be used in advance of Planned Development Permit approval only for temporary, short-term activities involving no physical improvements to the site, when authorized by Use Permit approval.

3. **Interim uses - Industrial districts.** When the -PD overlay is combined with a industrial zoning district, a site may be used in advance of Planned Development Permit approval only for temporary, short-term activities involving no physical improvements to the site, when authorized by Use Permit approval.

E. Development standards. Proposed development and new land uses shall comply with all development standards established by the applicable Planned Development Permit, or previous Master Plan and Precise Development Plan, in addition to the requirements of the primary zoning district, and the applicable development standards (e.g., landscaping, parking and loading, etc.) in Article 3 (Site Planning and General Development Standards).

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CHAPTER 17.30 - LANDSCAPING

Sections:

17.30.010 - Purpose of Chapter
17.30.020 - Applicability
17.30.030 - Landscape Plan Approval Requirements
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17.30.060 - Maintenance for Landscape Areas
17.30.070 - Water Efficient Landscape Requirements

17.30.010 - Purpose of Chapter

The purpose of this Chapter is to protect public health, safety, and welfare by:

A. Preserving and enhancing the visual character of the community, and providing cooling shade;

B. Enhancing well-designed structures and increasing compatibility between abutting land uses and public rights-of-way by providing landscape screening and buffers; and

C. Provide for the conservation and safeguard of water resources through the efficient use of water, appropriate use of plant materials, and regular maintenance of landscaped areas.

17.30.020 - Applicability

A. Landscaping required. The provisions of this Chapter apply to all new proposed development. An addition to a structure that is 25 percent or more of the floor area of the existing structure, and any change of use, shall require that the entire parcel be brought into compliance with the requirements of this Chapter. In the case of an existing use, if the amount of required landscaping cannot be accommodated because of physical constraints on the site, (e.g., structures, parking, circulation, etc.) the applicant shall provide whatever additional landscaping the site can accommodate towards meeting the landscape requirements of this Chapter.

B. Other requirements. Standards for the provision of landscaping within the public right-of-way are located in Article 5 (Subdivisions).

17.32.030 - Landscape Plan Approval Required

A. Preliminary Landscape Plan. A Preliminary Landscape Plan shall be submitted as part of an application for a land use entitlement for new development, except for single family on individual lots, or the significant expansion or redevelopment of an existing use as determined by the Director.

B. Final Landscape Plan. Following approval of the land use entitlement, a Final Landscape Plan shall be submitted as part of the application for a Building Permit. Final plans shall be approved by the Director prior to the start of on-site construction or soil disturbance and prior to the issuance of a Building Permit.

C. Content. Preliminary Landscape Plans and Final Landscape Plans shall contain information as specified in the instructions for preparing landscape plans provided by the Department.

D. Review and approval. After initial application, the Director shall review each Preliminary Landscape Plan and Final Landscape Plan to verify its compliance with the provisions of this Chapter. The Director may approve the submittal in compliance with this Chapter, or may disapprove or require changes to a submittal if it is not in compliance.

E. Statement of surety. When required by the Director, a statement of surety in the form of cash, performance bond, letter of credit, or certificate of deposit, in an amount equal to 150 percent of the total value of all plant materials, irrigation, installation, and maintenance shall be posted with the City for a two-year period. The Director may require statements of surety for phased development projects, a legitimate delay in landscape installation due to seasonal requirements (including adverse weather conditions) and similar circumstances where it may not be advisable or desirable to install all of a project's landscaping before occupancy of the site.

F. Minor changes to approved plans. Landscape plan approval may include the Director authorizing minor changes from the requirements of this Chapter.

17.30.040 - Landscape Location Requirements

Landscaping shall be provided in the locations specified below except for single-family uses.

A. Setbacks. All setback and open space areas required by this Development Code, and easements for utilities, and drainage courses shall be landscaped, except where it is determined by the Director that landscaping is not necessary to fulfill the purposes of this Chapter.

B. Unused areas. All areas of a project site not intended for a specific use, including pad sites in shopping centers held for future development, shall be landscaped unless it is determined by the Director that landscaping is not necessary to fulfill the purposes of this Chapter.

C. Parking areas. Parking areas shall be landscaped in compliance with the following requirements.

1. **Landscape materials.** Landscaping materials shall be provided throughout the parking lot area using a combination of trees, shrubs, and ground cover.

2. **Curbing.** Areas containing plant materials shall be bordered by a concrete curb at least six inches high and six inches wide. Alternative barrier design to protect landscaped areas from damage by vehicles may be approved by the Director.

3. **Location of landscaping.** Parking lot landscaping shall be located so that pedestrians are not required to cross landscaped areas to reach building entrances from parked cars. This should be achieved through proper orientation of the landscaped fingers and islands.

4. **Bumper overhang areas.** To increase the parking lot landscaped area, a maximum of 2 feet of the parking stall depth may be landscaped with low-growth, hearty materials in lieu of paving, allowing a 2-foot bumper overhang while maintaining the required parking dimensions.

5. Perimeter parking lot landscaping.

a. Adjacent to streets. Parking areas for nonresidential uses adjoining a public street shall be designed to provide a landscaped planting strip between the street right-of-way and parking area equal in depth to the setback required by the zoning district or 10 feet, whichever is greater. Required parking areas for residential uses shall not be located within the required setback areas.

The landscaping shall be designed and maintained to screen cars from view from the street and shall be a height of between 30 and 42 inches. Screening materials may include a combination of plant materials, earth berms, solid masonry walls, raised planters, or other screening devices to meet the intent of this requirement. Shade trees shall be provided at a minimum rate of one for every 30 linear feet of landscaped area.

b. Adjacent to side or rear property lines. Parking areas for nonresidential uses shall provide a perimeter landscaped strip at least five feet wide (inside dimension) where the facility adjoins a side or rear property line. The perimeter landscaped strip may include a required yard or buffer area. Trees shall be provided at the rate of one for each 30 linear feet of landscaped area.

c. Adjacent to structures. When parking areas are located adjacent to nonresidential structures, a minimum five-foot wide landscape strip shall be provided adjacent to the structure.

d. Adjacent to residential use. Parking areas for nonresidential uses adjoining residential uses shall provide a landscaped buffer yard with a minimum 10-foot width between the parking area and the common property line bordering the residential use. A solid masonry wall or fence and landscape buffer shall be provided along the property line to address land use compatibility issues such as nuisance noise and light or glare. Trees shall be provided at the rate of one for each 30 linear feet of landscaped area.

6. Interior parking lot landscaping.

a. Minimum area of landscaping. A minimum of five percent of the total off-street parking area shall be landscaped with trees, shrubs, and ground cover. The perimeter landscaping required by Subsection C.5 of this section shall not be considered part of the required parking lot landscaping.

b. Planter dimensions. Planters with trees shall have a minimum interior dimension of five feet. All ends of parking lanes shall be separated from drive aisles by landscaped islands or other means approved by the Director.

c. Larger projects. Parking lots with more than 150 spaces shall provide a concentration of landscape elements at primary entrances, including specimen trees, flowering plants, and enhanced paving.

17.30.050 - Residential Front and Street Side Yard Landscape Requirements

The following landscape requirements apply to all residential properties:

A. Hardscape. No more than 50 percent of the front and street side yard area, visible from the public right of way, may be paved with hardscape materials such as concrete, asphalt, pavers, etc.

B. Landscape. Any portion of the front and street side yard, visible from the public right of way, that is not covered with a hardscape material must be landscaped with grass, annuals, perennials, groundcover, shrubs, trees, other recognized landscape materials, and any design elements such as planters, rocks, mulch and similar element when integrated as part of the landscape. Living vegetation must cover at least 75 percent of the landscaped yard areas.

C. Maintenance. All landscaped yard areas must be irrigated, mowed, trimmed and maintained as often as necessary to prevent overgrowth and blight. No dirt yards shall be allowed. No junk, debris or similar materials may be stored in the front or street side yard area.

17.30.060 - Maintenance of Landscape Areas

A. Maintenance required. All landscaped areas shall be maintained in a healthful and sound condition at all times. Irrigation systems and their components shall be maintained in a fully functional manner consistent with the originally approved design and the provisions of this Chapter. Regular maintenance shall include checking, adjusting, and repairing irrigation equipment; resetting automatic controllers; aerating and dethatching turf areas; adding/replenishing mulch, fertilizer, and soil amendments and dead or deceased plants; pruning; and weeding all landscaped areas.

B. Water waste prohibited. Water waste in existing developments resulting from inefficient landscape irrigation leading to excessive runoff, low head drainage, overspray, and other similar conditions where water flows onto adjacent property, nonirrigated areas, walks, roadways, or structures is prohibited.

17.30.070 - Water Efficient Landscape Requirements

A. Applicability.

The Water Efficient Landscape Requirements shall apply to all of the following landscape projects:

1. New construction and rehabilitated landscapes for public agency projects and private development projects with a landscape area equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check or design review;

2. New construction and rehabilitated landscapes which are developer-installed in single-family and multi-family projects with a landscape area equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check, or design review;

3. New construction landscapes which are homeowner-provided and/or homeowner-hired in single-family and multi-family residential projects with a total project landscape area equal to or greater than 5,000 square feet requiring a building or landscape permit, plan check or design review;

4. Existing landscapes limited to Sections 17.30.070.T, U and V; and

5. Cemeteries. Recognizing the special landscape management needs of cemeteries, new and rehabilitated cemeteries are limited to Sections 17.30.070.G, 17.30.070.N and 17.30.070.O; and existing cemeteries are limited to Sections 17.30.070.T, U, and V.

The Water Efficient Landscape Requirements do not apply to:

1. Registered local, state or federal historical sites;

2. Ecological restoration projects that do not require a permanent irrigation system;

3. Mined-land reclamation projects that do not require a permanent irrigation system; or

4. Plant collections, as part of botanical gardens and arboretums open to the public.

B. Definitions. The terms used in the Water Efficient Landscape Requirements have the meaning set forth below:

1. "applied water" means the portion of water supplied by the irrigation system to the landscape.

2. "automatic irrigation controller" means an automatic timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers schedule irrigation events using either evapotranspiration (weather-based) or soil moisture data.

3. "backflow prevention device" means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.

4. "Certificate of Completion" means the document required under Section 17.30.070.I.

5. "certified irrigation designer" means a person certified to design irrigation systems by an accredited academic institution a professional trade organization or other program such as the US Environmental Protection Agency's WaterSense irrigation designer certification program and Irrigation Association's Certified Irrigation Designer program.

6. "certified landscape irrigation auditor" means a person certified to perform landscape irrigation audits by an accredited academic institution, a professional trade organization or other program such as the US Environmental Protection Agency's WaterSense irrigation auditor certification program and Irrigation Association's Certified Landscape Irrigation Auditor program.

7. "check valve" or "anti-drain valve" means a valve located under a sprinkler head, or other location in the irrigation system, to hold water in the system to prevent drainage from sprinkler heads when the sprinkler is off.

8. "common interest developments" means community apartment projects, condominium projects, planned developments, and stock cooperatives per Civil Code Section 1351.

9. "conversion factor (0.62)" means the number that converts acre-inches per acre per year to gallons per square foot per year

10. "drip irrigation" means any non-spray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

11. "ecological restoration project" means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

12. "effective precipitation" or "usable rainfall" (Eppt) means the portion of total precipitation which becomes available for plant growth.

13. "emitter" means a drip irrigation emission device that delivers water slowly from the system to the soil.

14. "established landscape" means the point at which plants in the landscape have developed significant root growth into the soil. Typically, most plants are established after one or two years of growth.

15. "establishment period of the plants" means the first year after installing the plant in the landscape or the first two years if irrigation will be terminated after establishment. Typically, most plants are established after one or two years of growth.

16. "Estimated Total Water Use" (ETWU) means the total water used for the landscape as described in Section 17.30.070.G.

17. "ET adjustment factor" (ETAF) means a factor of 0.7, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape. A combined plant mix with a site-wide average of 0.5 is the basis of the plant factor portion of this calculation. For purposes of the ETAF, the average irrigation efficiency is 0.71. Therefore, the ET Adjustment Factor is (0.7)=(0.5/0.71). ETAF for a Special Landscape Area shall not exceed 1.0. ETAF for existing non-rehabilitated landscapes is 0.8.

18. "evapotranspiration rate" means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.

19. "flow rate" means the rate at which water flows through pipes, valves and emission devices, measured in gallons per minute, gallons per hour, or cubic feet per second.

20. "hardscapes" means any durable material (pervious and non-pervious).

21. "homeowner-provided landscaping" means any landscaping either installed by a private individual for a single family residence or installed by a licensed contractor hired by a homeowner. A homeowner, for purposes of the Water Efficient Landscape Requirements, is a person who occupies the dwelling he or she owns. This excludes speculative homes, which are not owner-occupied dwellings.

22. "hydrozone" means a portion of the landscaped area having plants with similar water needs. A hydrozone may be irrigated or non-irrigated.

23. "infiltration rate" means the rate of water entry into the soil expressed as a depth of water per unit of time (e.g., inches per hour).

24. "invasive plant species" means species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources. Invasive species may be regulated by county agricultural agencies as noxious species. "Noxious weeds" means any weed designated by the Weed Control Regulations in the Weed Control Act and identified on a Regional District noxious weed control list. Lists of invasive plants are maintained at the California Invasive Plant Inventory and USDA invasive and noxious weeds database.

25. "irrigation audit" means an in-depth evaluation of the performance of an irrigation system conducted by a Certified Landscape Irrigation Auditor. An irrigation audit includes, but is not limited to: inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule.

26. "irrigation efficiency" (IE) means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The minimum average irrigation efficiency for purposes of the Water Efficient Landscape Requirements is 0.71. Greater irrigation efficiency can be expected from well designed and maintained systems.

27. "irrigation survey" means an evaluation of an irrigation system that is less detailed than an irrigation audit. An irrigation survey includes, but is not limited to: inspection, system test, and written recommendations to improve performance of the irrigation system.

28. "irrigation water use analysis" means an analysis of water use data based on meter readings and billing data.

29. "landscape architect" means a person who holds a license to practice landscape architecture in the state of California Business and Professions Code, Section 5615.

30. "landscape area" means all the planting areas, turf areas, and water features in a landscape design plan subject to the Maximum Applied Water Allowance calculation. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

31. "landscape contractor" means a person licensed by the state of California to construct, maintain, repair, install, or subcontract the development of landscape systems.

32. "Landscape Documentation Package" means the documents required under Section 17.30.070.F.

33. "landscape project" means total area of landscape in a project as defined in "landscape area" for the purposes of the Water Efficient Landscape Requirements, meeting requirements under Section 17.30.070.A.

34. "lateral line" means the water delivery pipeline that supplies water to the emitters or sprinklers from the valve.

35. "local water purveyor" means any entity, including a public agency, city, county, or private water company that provides retail water service.

36. "low volume irrigation" means the application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip, drip lines, and bubblers. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

37. "main line" means the pressurized pipeline that delivers water from the water source to the valve or outlet.

38. "Maximum Applied Water Allowance" (MAWA) means the upper limit of annual applied water for the established landscaped area as specified in Section 17.30.070.G. It is based upon the area's reference evapotranspiration, the ET Adjustment Factor, and the size of the landscape area. The Estimated Total Water Use shall not exceed the Maximum Applied Water Allowance. Special Landscape Areas, including recreation areas, areas permanently and solely dedicated to edible plants such as orchards and vegetable gardens, and areas irrigated with recycled water are subject to the MAWA with an ETAF not to exceed 1.0.

39. "microclimate" means the climate of a small, specific area that may contrast with the climate of the overall landscape area due to factors such as wind, sun exposure, plant density, or proximity to reflective surfaces.

40. "mined-land reclamation projects" means any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.

41. "mulch" means any organic material such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel, and decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

42. "new construction" means, for the purposes of this ordinance, a new building with a landscape or other new landscape, such as a park, playground, or greenbelt without an associated building.

43. "operating pressure" means the pressure at which the parts of an irrigation system are designed by the manufacturer to operate.

44. "overhead sprinkler irrigation systems" means systems that deliver water through the air (e.g., spray heads and rotors).

45. "overspray" means the irrigation water which is delivered beyond the target area.

46. "permit" means an authorizing document issued by local agencies for new construction or rehabilitated landscapes.

47. "pervious" means any surface or material that allows the passage of water through the material and into the underlying soil.

48. "plant factor" or "plant water use factor" is a factor , when multiplied by ETo, estimates the amount of water needed by plants. For purposes of this ordinance, the plant factor range for low water use plants is 0 to 0.3, the plant factor range for moderate water use plants is 0.4 to

0.6, and the plant factor range for high water use plants is 0.7 to 1.0. Plant factors cited in this ordinance are derived from the Department of Water Resources 2000 publication "Water Use Classification of Landscape Species".

49. "precipitation rate" means the rate of application of water measured in inches per hour.

50. "project applicant" means the individual or entity submitting a Landscape Documentation Package required under Section 17.30.070.F, to request a permit, plan check, or design review from the City of Lodi. A project applicant may be the property owner or his or her designee.

51. "rain sensor" or "rain sensing shutoff device" means a component which automatically suspends an irrigation event when it rains.

52. "record drawing" or "as-builts" means a set of reproducible drawings which show significant changes in the work made during construction and which are usually based on drawings marked up in the field and other data furnished by the contractor.

53. "recreational area" means areas dedicated to active play such as parks, sports fields, and golf courses where turf provides a playing surface.

54. "recycled water", "reclaimed water", or "treated sewage effluent water" means treated or recycled waste water of a quality suitable for non-potable uses such as landscape irrigation and water features. This water is not intended for human consumption.

55. "reference evapotranspiration" or "ETo" means a standard measurement of environmental parameters which affect the water use of plants. ETo is expressed in inches per day, month, or year, and is an estimate of the evapotranspiration of a large field of four- to seven-inch tall, cool-season grass that is well watered. Reference evapotranspiration is used as the basis of determining the Maximum Applied Water Allowance so that regional differences in climate can be accommodated.

56. "rehabilitated landscape" means any re-landscaping project that requires a permit, plan check, or design review, meets the requirements of Section 17.30.070.A, and the modified landscape area is equal to or greater than 2,500 square feet, is 50% of the total landscape area, and the modifications are completed within one year.

57. "runoff" means water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape area. For example, runoff may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a slope.

58. "soil moisture sensing device" or "soil moisture sensor" means a device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.

59. "soil texture" means the classification of soil based on its percentage of sand, silt, and clay.

60. "Special Landscape Area" (SLA) means an area of the landscape dedicated solely to edible plants, areas irrigated with recycled water, water features using recycled water and areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing surface.

61. "sprinkler head" means a device which delivers water through a nozzle.

62. "static water pressure" means the pipeline or municipal water supply pressure when water is not flowing.

63. "station" means an area served by one valve or by a set of valves that operate simultaneously.

64. "swing joint" means an irrigation component that provides a flexible, leak-free connection between the emission device and lateral pipeline to allow movement in any direction and to prevent equipment damage.

65. "turf" means a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermudagrass, Kikuyugrass, Seashore Paspalum, St. Augustinegrass, Zoysiagrass, and Buffalo grass are warm-season grasses.

66. "valve" means a device used to control the flow of water in the irrigation system.

67. "water conserving plant species" means a plant species identified as having a low plant factor.

68. "water feature" means a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied). The surface area of water features is included in the high water use hydrozone of the landscape area. Constructed wetlands used for on-site wastewater treatment or stormwater best management practices that are not irrigated and used solely for water treatment or stormwater retention are not water features and, therefore, are not subject to the water budget calculation.

69. "watering window" means the time of day irrigation is allowed.

70. "WUCOLS" means the Water Use Classification of Landscape Species published by the University of California Cooperative Extension, the Department of Water Resources and the Bureau of Reclamation, 2000.

C. Provisions for New Construction or Rehabilitated Landscapes.

The City of Lodi may designate another agency, such as a water purveyor, to implement some or all of the requirements contained in the Water Efficient Landscape Requirements. The City may collaborate with water purveyors to define each entity's specific responsibilities relating to this ordinance.

D. Compliance with Landscape Documentation Package.

1. Prior to construction, the City shall:

   a. Provide the project applicant with the ordinance and procedures for permits, plan checks, or design reviews;

   b. Review the Landscape Documentation Package submitted by the project applicant;

   c. Approve or deny the Landscape Documentation Package;

d. Issue a permit or approve the plan check or design review for the project applicant; and

e. Upon approval of the Landscape Documentation Package, submit a copy of the Water Efficient Landscape Worksheet to the local water purveyor.

2. Prior to construction, the project applicant shall:

a. Submit a Landscape Documentation Package to the City.

3. Upon approval of the Landscape Documentation Package by the City, the project applicant shall:

a. Receive a permit or approval of the plan check or design review and record the date of the permit in the Certificate of Completion;

b. Submit a copy of the approved Landscape Documentation Package along with the record drawings, and any other information to the property owner or his/her designee; and

c. Submit a copy of the Water Efficient Landscape Worksheet to the local water purveyor.

E. Penalties. The City may identify penalties to the project for non-compliance with the Water Efficient Landscape Requirements.

F. Elements of the Landscape Documentation Package. The Landscape Documentation Package shall include the following six elements:

1. Project information;

a. Date

b. Project applicant

c. Project address (if available, parcel and/or lot number(s))

d. Total landscape area (square feet)

e. Project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed)

f. Water supply type (e.g., potable, recycled, well) and identify the local retail water purveyor if the applicant is not served by a private well

g. Checklist of all documents in Landscape Documentation Package

h. Project contacts to include contact information for the project applicant and property owner

i. Applicant signature and date with statement, "I agree to comply with the requirements of the Water Efficient Landscape Requirements and submit a complete Landscape Documentation Package".

2. Water Efficient Landscape Worksheet;

Landscaping

a. Hydrozone information table

b. Water budget calculations

(1) Maximum Applied Water Allowance (MAWA)

(2) Estimated Total Water Use (ETWU)

3. Soil management report;

4. Landscape design plan;

5. Irrigation design plan; and

6. Grading design plan.

G. Water Efficient Landscape Worksheet.

1. A project applicant shall complete the Water Efficient Landscape Worksheet which contains two sections:

a. A hydrozone information table (see Appendix B, Section A) for the landscape project; and

b. A water budget calculation (see Appendix B, Section B) for the landscape project. For the calculation of the Maximum Applied Water Allowance and Estimated Total Water Use, a project applicant shall use the ETo values from the Reference Evapotranspiration Table in Appendix A. For geographic areas not covered in Appendix A, use data from other cities located nearby in the same reference evapotranspiration zone, as found in the CIMIS Reference Evapotranspiration Zones Map, Department of Water Resources, 1999.

2. Water budget calculations shall adhere to the following requirements:

a. The plant factor used shall be from WUCOLS. The plant factor ranges from 0 to 0.3 for low water use plants, from 0.4 to 0.6 for moderate water use plants, and from 0.7 to 1.0 for high water use plants.

b. All water features shall be included in the high water use hydrozone and temporarily irrigated areas shall be included in the low water use hydrozone.

c. All Special Landscape Areas shall be identified and their water use calculated as described below.

d. ETAF for Special Landscape Areas shall not exceed 1.0.

3. Maximum Applied Water Allowance

The Maximum Applied Water Allowance shall be calculated using the equation:

$$MAWA = (ETo)\ (0.62)\ [(0.7 \times LA) + (0.3 \times SLA)]$$

4. Estimated Total Water Use.

The Estimated Total Water Use shall be calculated using the equation below. The sum of the Estimated Total Water Use calculated for all hydrozones shall not exceed MAWA.

$$ETWU = (ETo)(0.62)\left(\frac{PF\ x\ HA}{IE} + SLA\right)$$

Where:

ETWU = Estimated Total Water Use per year (gallons)
ETo = Reference Evapotranspiration (inches)
PF = Plant Factor from WUCOLS (see Section 491)
HA = Hydrozone Area [high, medium, and low water use areas] (square feet)
SLA = Special Landscape Area (square feet)
0.62 = Conversion Factor
IE = Irrigation Efficiency (minimum 0.71)

H. Soil Management Report. In order to reduce runoff and encourage healthy plant growth, a soil management report shall be completed by the project applicant, or his/her designee, as follows:

1. Submit soil samples to a laboratory for analysis and recommendations.

   a. Soil sampling shall be conducted in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants.

   b. The soil analysis may include:

      (1) Soil texture;

      (2) Infiltration rate determined by laboratory test or soil texture infiltration rate table;

      (3) pH;

      (4) Total soluble salts;

      (5) Sodium;

      (6) Percent organic matter; and

      (7) Recommendations.

2. The project applicant, or his/her designee, shall comply with one of the following:

   a. If significant mass grading is not planned, the soil analysis report shall be submitted to the City as part of the Landscape Documentation Package; or

   b. If significant mass grading is planned, the soil analysis report shall be submitted to the City as part of the Certificate of Completion.

3. The soil analysis report shall be made available, in a timely manner, to the professionals preparing the landscape design plans and irrigation design plans to make any necessary adjustments to the design plans.

4. The project applicant, or his/her designee, shall submit documentation verifying implementation of soil analysis report recommendations to the City with Certificate of Completion.

I. Landscape Design Plan.

1. For the efficient use of water, a landscape shall be carefully designed and planned for the intended function of the project. A landscape design plan meeting the following design criteria shall be submitted as part of the Landscape Documentation Package.

   a. Plant Material

      (1) Any plant may be selected for the landscape, providing the Estimated Total Water Use in the landscape area does not exceed the Maximum Applied Water Allowance. To encourage the efficient use of water, the following is highly recommended:

         (a) Protection and preservation of native species and natural vegetation;

         (b) Selection of water-conserving plant and turf species;

         (c) Selection of plants based on disease and pest resistance;

         (d) Selection of trees based on applicable City tree ordinances or tree shading guidelines; and

         (e) Selection of plants from City and regional landscape program plant lists.

      (2) Each hydrozone shall have plant materials with similar water use, with the exception of hydrozones with plants of mixed water use, as specified in Section 17.30.070.J.1.b.(4).

      (3) Plants shall be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site. To encourage the efficient use of water, the following is highly recommended:

         (a) Use the Sunset Western Climate Zone System which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate;

         (b) Recognize the horticultural attributes of plants (i.e., mature plant size, invasive surface roots) to minimize damage to property or infrastructure [e.g., buildings, sidewalks, power lines]; and

         (c) consider the solar orientation for plant placement to maximize summer shade and winter solar gain.

      (4) Turf is not allowed on slopes greater than 25% where the toe of the slope is adjacent to an impermeable hardscape and where 25% means 1 foot of vertical elevation change for every 4 feet of horizontal length (rise divided by run x 100 = slope percent).

(5) A landscape design plan for projects in fire-prone areas shall address fire safety and prevention. A defensible space or zone around a building or structure is required per Public Resources Code Section 4291(a) and (b). Avoid fire-prone plant materials and highly flammable mulches.

(6) The use of invasive and/or noxious plant species is strongly discouraged.

(7) The architectural guidelines of a common interest development, which include community apartment projects, condominiums, planned developments, and stock cooperatives, shall not prohibit or include conditions that have the effect of prohibiting the use of low-water use plants as a group.

b. Water Features

(1) Recirculating water systems shall be used for water features.

(2) Where available, recycled water shall be used as a source for decorative water features.

(3) Surface area of a water feature shall be included in the high water use hydrozone area of the water budget calculation.

(4) Pool and spa covers are highly recommended.

c. Mulch and Amendments

(1) A minimum two inch (2″) layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.

(2) Stabilizing mulching products shall be used on slopes.

(3) The mulching portion of the seed/mulch slurry in hydro-seeded applications shall meet the mulching requirement.

(4) Soil amendments shall be incorporated according to recommendations of the soil report and what is appropriate for the plants selected (see Section 17.30.070.H).

2. The landscape design plan, at a minimum, shall:

a. Delineate and label each hydrozone by number, letter, or other method;

b. Identify each hydrozone as low, moderate, high water, or mixed water use. Temporarily irrigated areas of the landscape shall be included in the low water use hydrozone for the water budget calculation;

c. Identify recreational areas;

d. Identify areas permanently and solely dedicated to edible plants;

e. Identify areas irrigated with recycled water;

f. Identify type of mulch and application depth;

g. Identify soil amendments, type, and quantity;

h. Identify type and surface area of water features;

i. Identify hardscapes (pervious and non-pervious);

j. Identify location and installation details of any applicable stormwater best management practices that encourage on-site retention and infiltration of stormwater. Stormwater best management practices are encouraged in the landscape design plan and examples include, but are not limited to:

(1) Infiltration beds, swales, and basins that allow water to collect and soak into the ground;

(2) Constructed wetlands and retention ponds that retain water, handle excess flow, and filter pollutants; and

(3) Pervious or porous surfaces (e.g., permeable pavers or blocks, pervious or porous concrete, etc.) that minimize runoff.

k. Identify any applicable rain harvesting or catchment technologies (e.g., rain gardens, cisterns, etc.);

l. Contain the following statement: "I have complied with the criteria of the Water Efficient Landscape Requirements and applied them for the efficient use of water in the landscape design plan"; and

m. Bear the signature of a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape.

J. Irrigation Design Plan.

1. For the efficient use of water, an irrigation system shall meet all the requirements listed in this section and the manufacturers' recommendations. The irrigation system and its related components shall be planned and designed to allow for proper installation, management, and maintenance. An irrigation design plan meeting the following design criteria shall be submitted as part of the Landscape Documentation Package.

a. System

(1) Dedicated landscape water meters are highly recommended on landscape areas smaller than 5,000 square feet to facilitate water management.

(2) Automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data shall be required for irrigation scheduling in all irrigation systems.

(3) The irrigation system shall be designed to ensure that the dynamic pressure at each emission device is within the manufacturer's recommended pressure range for optimal performance.

(a) If the static pressure is above or below the required dynamic pressure of the irrigation system, pressure-regulating devices such as inline pressure regulators, booster pumps, or other devices shall be installed to meet the required dynamic pressure of the irrigation system.

(b) Static water pressure, dynamic or operating pressure. and flow reading of the water supply shall be measured at the point of connection. These pressure and flow measurements shall be conducted at the design stage. If the measurements are not available at the design stage, the measurements shall be conducted at installation.

(4) Sensors (rain, freeze, wind, etc.), either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions shall be required on all irrigation systems, as appropriate for local climatic conditions. Irrigation should be avoided during windy or freezing weather or during rain.

(5) Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be required, as close as possible to the point of connection of the water supply, to minimize water loss in case of an emergency (such as a main line break) or routine repair.

(6) Backflow prevention devices shall be required to protect the water supply from contamination by the irrigation system. A project applicant shall refer to the applicable City code (i.e., public health) for additional backflow prevention requirements.

(7) High flow sensors that detect and report high flow conditions created by system damage or malfunction are recommended.

(8) The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.

(9) Relevant information from the soil management plan, such as soil type and infiltration rate, shall be utilized when designing irrigation systems.

(10) The design of the irrigation system shall conform to the hydrozones of the landscape design plan.

(11) The irrigation system must be designed and installed to meet, at a minimum, the irrigation efficiency criteria as described in Section 17.30.070.G regarding the Maximum Applied Water Allowance.

(12) It is highly recommended that the project applicant or City inquire with the local water purveyor about peak water operating demands (on the water supply system) or water restrictions that may impact the effectiveness of the irrigation system.

(13) In mulched planting areas, the use of low volume irrigation is required to maximize water infiltration into the root zone.

(14) Sprinkler heads and other emission devices shall have matched precipitation rates, unless otherwise directed by the manufacturer's recommendations.

(15) Head to head coverage is recommended. However, sprinkler spacing shall be designed to achieve the highest possible distribution uniformity using the manufacturer's recommendations.

(16) Swing joints or other riser-protection components are required on all risers subject to damage that are adjacent to high traffic areas.

(17) Check valves or anti-drain valves are required for all irrigation systems.

(18) Narrow or irregularly shaped areas, including turf, less than eight (8) feet in width in any direction shall be irrigated with subsurface irrigation or low volume irrigation system.

(19) Overhead irrigation shall not be permitted within 24 inches of any non-permeable surface. Allowable irrigation within the setback from non-permeable surfaces may include drip, drip line, or other low flow non-spray technology. The setback area may be planted or unplanted. The surfacing of the setback may be mulch, gravel, or other porous material. These restrictions may be modified if:

(a) The landscape area is adjacent to permeable surfacing and no runoff occurs; or

(b) The adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping; or

(c) The irrigation designer specifies an alternative design or technology, as part of the Landscape Documentation Package and clearly demonstrates strict adherence to irrigation system design criteria in Section 17.30.070.J.1.a.(8). Prevention of overspray and runoff must be confirmed during the irrigation audit.

(20) Slopes greater than 25% shall not be irrigated with an irrigation system with a precipitation rate exceeding 0.75 inches per hour. This restriction may be modified if the landscape designer specifies an alternative design or technology, as part of the Landscape Documentation Package, and clearly demonstrates no runoff or erosion will occur. Prevention of runoff and erosion must be confirmed during the irrigation audit.

b. Hydrozone

(1) Each valve shall irrigate a hydrozone with similar site, slope, sun exposure, soil conditions, and plant materials with similar water use.

(2) Sprinkler heads and other emission devices shall be selected based on what is appropriate for the plant type within that hydrozone.

(3) Where feasible, trees shall be placed on separate valves from shrubs, groundcovers, and turf.

(4) Individual hydrozones that mix plants of moderate and low water use, or moderate and high water use, may be allowed if:

(a) Plant factor calculation is based on the proportions of the respective plant water uses and their plant factor; or

(b) The plant factor of the higher water using plant is used for calculations.

(5) Individual hydrozones that mix high and low water use plants shall not be permitted.

(6) On the landscape design plan and irrigation design plan, hydrozone areas shall be designated by number, letter, or other designation. On the irrigation design plan, designate the areas irrigated by each valve, and assign a number to each valve. Use this valve number in the Hydrozone Information Table (see Appendix B Section A). This table can also assist with the irrigation audit and programming the controller.

2. The irrigation design plan, at a minimum, shall contain:

a. Location and size of separate water meters for landscape;

b. Location, type and size of all components of the irrigation system, including controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators, and backflow prevention devices;

c. Static water pressure at the point of connection to the public water supply;

d. Flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for each station;

e. Recycled water irrigation systems as specified in Section 17.30.070.Q;

f. The following statement: "I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the irrigation design plan"; and

g. The signature of a licensed landscape architect, certified irrigation designer, licensed landscape contractor, or any other person authorized to design an irrigation system.

K. Grading Design Plan.

For the efficient use of water, grading of a project site shall be designed to minimize soil erosion, runoff, and water waste. A grading plan shall be submitted as part of the Landscape Documentation Package. A comprehensive grading plan prepared by a civil engineer for other City permits satisfies this requirement.

1. The project applicant shall submit a landscape grading plan that indicates finished configurations and elevations of the landscape area including:

a. Height of graded slopes;

b. Drainage patterns;

c. Pad elevations;

d. Finish grade; and

e. Stormwater retention improvements, if applicable.

2. To prevent excessive erosion and runoff, it is highly recommended that project applicants:

a. Grade so that all irrigation and normal rainfall remains within property lines and does not drain on to non-permeable hardscapes;

b. Avoid disruption of natural drainage patterns and undisturbed soil; and

c. Avoid soil compaction in landscape areas.

3. The grading design plan shall contain the following statement: "I have complied with the criteria of the Water Efficient Landscape Requirements and applied them accordingly for the efficient use of water in the grading design plan" and shall bear the signature of a licensed professional as authorized by law.

L. Certificate of Completion.

1. The Certificate of Completion shall include the following six (6) elements:

a. Project information sheet that contains:

(1) Date;

(2) Project name;

(3) Project applicant name, telephone, and mailing address;

(4) Project address and location; and

(5) Property owner name, telephone, and mailing address;

b. Certification by either the signer of the landscape design plan, the signer of the irrigation design plan, or the licensed landscape contractor that the landscape project has been installed per the approved Landscape Documentation Package;

(1) Where there have been significant changes made in the field during construction, these "as-built" or record drawings shall be included with the certification;

c. Irrigation scheduling parameters used to set the controller (see Section 17.30.070.M);

d. Landscape and irrigation maintenance schedule (see Section 17.30.070.N);

e. Irrigation audit report (see Section 17.30.070.O); and

f. Soil analysis report, if not submitted with Landscape Documentation Package, and documentation verifying implementation of soil report recommendations (see Section

17.30.070.H).

2. The project applicant shall:

   a. Submit the signed Certificate of Completion to the City for review;

   b. Ensure that copies of the approved Certificate of Completion are submitted to the local water purveyor and property owner or his or her designee.

3. The City shall:

   a. Receive the signed Certificate of Completion from the project applicant;

   b. Approve or deny the Certificate of Completion. If the Certificate of Completion is denied, the City shall provide information to the project applicant regarding reapplication, appeal, or other assistance.

M. Irrigation Scheduling.

For the efficient use of water, all irrigation schedules shall be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health. Irrigation schedules shall meet the following criteria:

1. Irrigation scheduling shall be regulated by automatic irrigation controllers.

2. Overhead irrigation shall be scheduled between 8:00 p.m. and 10:00 a.m. unless weather conditions prevent it. If allowable hours of irrigation differ from the local water purveyor, the stricter of the two shall apply. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.

3. For implementation of the irrigation schedule, particular attention must be paid to irrigation run times, emission device, flow rate, and current reference evapotranspiration, so that applied water meets the Estimated Total Water Use. Total annual applied water shall be less than or equal to Maximum Applied Water Allowance (MAWA). Actual irrigation schedules shall be regulated by automatic irrigation controllers using current reference evapotranspiration data (e.g., CIMIS) or soil moisture sensor data.

4. Parameters used to set the automatic controller shall be developed and submitted for each of the following:

   a. The plant establishment period;

   b. The established landscape; and

   c. Temporarily irrigated areas.

5. Each irrigation schedule shall consider for each station all of the following that apply:

   a. Irrigation interval (days between irrigation);

   b. Irrigation run times (hours or minutes per irrigation event to avoid runoff);

c. Number of cycle starts required for each irrigation event to avoid runoff;

d. Amount of applied water scheduled to be applied on a monthly basis;

e. Application rate setting;

f. Root depth setting;

g. plant type setting;

h. soil type;

i. slope factor setting;

j. shade factor setting; and

k. irrigation uniformity or efficiency setting.

N. Landscape and Irrigation Maintenance Schedule.

1. Landscapes shall be maintained to ensure water use efficiency. A regular maintenance schedule shall be submitted with the Certificate of Completion.

2. A regular maintenance schedule shall include, but not be limited to, routine inspection; adjustment and repair of the irrigation system and its components; aerating and dethatching turf areas; replenishing mulch; fertilizing; pruning; weeding in all landscape areas, and removing and obstruction to emission devices. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.

3. Repair of all irrigation equipment shall be done with the originally installed components or their equivalents.

4. A project applicant is encouraged to implement sustainable or environmentally-friendly practices for overall landscape maintenance.

O. Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis.

1. All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor.

2. For new construction and rehabilitated landscape projects, as described in Section 17.30.070.A:

   a. The project applicant shall submit an irrigation audit report with the Certificate of Completion to the City that may include, but is not limited to: inspection, system tune-up, system test with distribution uniformity, reporting overspray or run off that causes overland flow, and preparation of an irrigation schedule;

   b. The City shall administer programs that may include, but not be limited to, irrigation water use analysis, irrigation audits, and irrigation surveys for compliance with the Maximum Applied Water Allowance.

Landscaping

P. Irrigation Efficiency.

For the purpose of determining Maximum Applied Water Allowance, average irrigation efficiency is assumed to be 0.71. Irrigation systems shall be designed, maintained, and managed to meet or exceed an average landscape irrigation efficiency of 0.71.

Q. Recycled Water.

1. The installation of recycled water irrigation systems shall allow for the current and future use of recycled water, unless a written exemption has been granted as described in Section 17.30.070.Q.

2. Irrigation systems and decorative water features shall use recycled water unless a written exemption has been granted by the local water purveyor stating that recycled water meeting all public health codes and standards is not available and will not be available for the foreseeable future.

3. All recycled water irrigation systems shall be designed and operated in accordance with all applicable City and State laws.

4. Landscapes using recycled water are considered Special Landscape Areas. The ET Adjustment Factor for Special Landscape Areas shall not exceed 1.0.

R. Stormwater Management.

1. Stormwater management practices minimize runoff and increase infiltration which recharges groundwater and improves water quality. Implementing stormwater best management practices into the landscape and grading design plans to minimize runoff and to increase on-site retention and infiltration are encouraged.

2. Project applicants shall refer to the City or Regional Water Quality Control Board for information on any applicable stormwater ordinances and stormwater management plans.

3. Rain gardens, cisterns, and other landscapes features and practices that increase rainwater capture and create opportunities for infiltration and/or onsite storage are recommended.

S. Public Education.

1. Publications. Education is a critical component to promote the efficient use of water in landscapes. The use of appropriate principles of design, installation, management and maintenance that save water is encouraged in the community.

    a. The City shall provide information to owners of new, single-family residential homes regarding the design, installation, management, and maintenance of water efficient landscapes.

2. Model Homes. All model homes that are landscaped shall use signs and written information to demonstrate the principles of water efficient landscapes described in this ordinance.

    a. Signs shall be used to identify the model as an example of a water efficient landscape featuring elements such as hydrozones, irrigation equipment, and others that contribute to the overall water efficient theme.

b. Information shall be provided about designing, installing, managing, and maintaining water efficient landscapes.

T. Provisions for Existing Landscapes.

The City may designate another agency, such as a water purveyor, to implement some or all of the requirements contained in this ordinance. Local agencies may collaborate with water purveyors to define each entity's specific responsibilities relating to this ordinance.

U. Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis.

1. This section shall apply to all existing landscapes that were installed before January 1, 2010 and are over one acre in size.

   a. For all landscapes that have a water meter, the City shall administer programs that may include, but not be limited to, irrigation water use analyses, irrigation surveys, and irrigation audits to evaluate water use and provide recommendations as necessary to reduce landscape water use to a level that does not exceed the Maximum Applied Water Allowance for existing landscapes. The Maximum Applied Water Allowance for existing landscapes shall be calculated as: MAWA = (0.8) (ETo)(LA)(0.62).

   b. For all landscapes that do not have a meter, the City shall administer programs that may include, but not be limited to, irrigation surveys and irrigation audits to evaluate water use and provide recommendations as necessary in order to prevent water waste.

2. All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor.

V. Water Waste Prevention.

1. The City shall prevent water waste resulting from inefficient landscape irrigation by prohibiting runoff from leaving the target landscape due to low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, parking lots, or structures. Penalties for violation of these prohibitions shall be established locally.

2. Restrictions regarding overspray and runoff may be modified if:

   a. The landscape area is adjacent to permeable surfacing and no runoff occurs; or

   b. The adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping.

W. Effective Precipitation.

The City considers Effective Precipitation (25% of annual precipitation) in tracking water use and uses the following equation to calculate Maximum Applied Water Allowance:

MAWA= (ETo - Eppt) (0.62) [(0.7 x LA) + (0.3 x SLA)].

CHAPTER 17.32 - PARKING AND LOADING

Sections:

17.32.010 - Purpose of Chapter
17.32.020 - Applicability
17.32.030 - General Parking Regulations
17.32.040 - Number of Parking Spaces Required
17.32.050 - Adjustments to Parking Requirements
17.32.060 - Disabled/Handicapped Parking Requirements
17.32.070 - Parking Design Standards
17.32.080 - Driveways and Site Access
17.32.090 - Bicycle Parking
17.32.100 - Loading Space Requirements
17.32.110 - Parking and Loading Design Guidelines

17.32.010 - Purpose of Chapter

This Chapter establishes regulations to ensure that sufficient off-street parking facilities are provided for all uses and that parking facilities are properly designed, attractive, and meet the needs of specific uses.

17.32.020 - Applicability

Every use and structure, including a change or expansion of a use or structure shall provide parking and loading areas in compliance with the provisions of this Chapter. A use shall not be commenced and structures shall not be occupied until improvements required by this Chapter are satisfactorily completed.

17.32.030 - General Parking Regulations

A. Parking and loading spaces to be permanent. Parking and loading spaces shall be permanently available, marked 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.

B. Parking and loading to be unrestricted. Owners, lessees, tenants, or persons having control of the operation of a premises for which parking or loading spaces are required shall not prevent or restrict authorized persons from using these spaces.

C. Parking area use. Required off-street parking areas shall be used exclusively for the temporary parking of vehicles and shall not be used for the sale, lease, display, repair, or storage of vehicles, trailers, boats, campers, mobile homes, merchandise, or equipment, or for any other use not authorized by the provisions of this Zoning Ordinance.

D. Commercial vehicle parking in residential districts. Vehicles that are strictly commercial in nature, such as tow trucks, ambulances, mini-buses, large delivery and/or service trucks, or similar vehicles with a gross load capacity greater than one and one-half tons shall not be allowed to park on private property in residential zones unless the vehicle is placed out of public view and located behind the designated front setback line, or for the immediate loading or unloading of goods or people.

E. Recreational vehicle (RV) parking. No recreational vehicle shall be parked for overnight occupancy except within an approved recreational vehicle park, or where authorized with Temporary Use Permit approval as a temporary dwelling during construction on the same site.

17.32.040 - Number of Parking Spaces Required

Each use shall provide at least the minimum number of parking spaces required by this Chapter.

A. Parking requirements by land use. Each land use shall be provided the number of parking spaces required by Table 3-1, except where a greater number of spaces are required or an exception has been granted through land use permit approval. In any case where Table 3-1 establishes a parking requirement based on the floor area of a use (e.g. 1 space per 1,000 sf), the floor area shall be construed to mean gross floor area.

B. Expansion of structure, change in use. When an existing nonresidential structure is enlarged or when a change in use requires more parking than is presently provided, additional parking spaces shall be required only for the addition, enlargement, change or expansion of use, and not for the entire structure, as determined by the Director.

C. Multi-tenant sites. A site with multiple tenants shall provide the aggregate number of parking spaces required for each separate use, except where:

1. The site was developed comprehensively as a shopping center, the parking ratio shall be the required number of spaces for the shopping center. In this case, the parking requirement will be based on the center as a whole regardless of individual uses as provided in Table 3-1; or

2. The site qualifies for shared parking in compliance with Section 17.30.050 (Adjustments to Parking Requirements).

D. Uses not listed. Land uses not specifically listed in Table 3-1, shall provide parking as required by the Director. The Director shall use the requirements of Table 3-1 as a guide in determining the minimum number of parking spaces to be provided.

E. Excessive parking. The parking standards established in this Chapter are both minimum and maximum standards. Parking spaces in excess of these standards may only be approved in conjunction with SPARC review, a Use Permit, or Planned Development Permit for the project, and when additional landscaping and pedestrian improvements are also provided.

F. Bench or bleacher seating. Where fixed seating is provided (e.g., benches or bleachers), a seat shall be construed to be 22 inches of bench space for the purpose of calculating the number of required parking spaces.

G. Calculation: Any fraction shall be rounded up to nearest whole number.

H. A single use with accessory components may be required to provide parking for each component, at the Director's discretion. For example, a hotel with a gift shop shall provide space for both program elements.

Parking and Loading

TABLE 3-1 - PARKING REQUIREMENTS BY LAND USE

Land Use Type: **Manufacturing, Processing, and Warehousing**	**Number of Parking Spaces Required**
General manufacturing, industrial, and processing uses	1 space for each 1,000 sf
Recycling facilities	1 space for each 1,000 sf
Research and development, laboratories	1 space for each 300 sf of gross floor area
Warehouses, distribution centers, and storage facilities (not including mini-storage for personal use)	1 space per 1,000 sf for the first 20,000 sf of gross floor area, plus one space per 2,000 sf of the second 20,000 sf of gross floor area, plus 1 space per 4,000 sf of the remainng gross floor area. The gross floor area may include incidental office space comprising less than 5% of the total gross floor area. The parking requirements for additional office space shall be calculated separately as provided by this table for "Offices."

Land Use Type: **Recreation, Education, and Public Assembly**	**Number of Parking Spaces Required**
Child day-care centers	1 space per 6 children.
Commercial recreation activities as follows, or otherwise required by Use Permit:	
Golf courses (regulation)	5 spaces for each hole
Golf courses (pitch & putt)	4 spaces for each hole
Miniature golf	3 spaces for each hole
Tennis/racquetball/handball or other courts	3 spaces for each court, plus 1 space for each 300 sf of floor area for ancillary uses.
Indoor recreation/fitness centers	
Arcades	1 space for each 250 sf of gross floor area
Bowling alleys	4 spaces for each lane, plus required spaces for ancillary uses.
Health/fitness clubs	1 space for each 250 sf
Pool and billiard rooms	Two spaces for each table, plus required space for ancillary uses.
Skating rinks	1 space for each 100 sf of skating area.
Outdoor recreation facilities	2 spaces per each athletic court; 1 space per each 150 sf of gross water surface area; 1 space per each 500 square feet of active sports field area.

TABLE 3-1 - PARKING REQUIREMENTS BY LAND USE (Continued)

Land Use Type: **Recreation, Education, and Public Assembly**	**Number of Parking Spaces Required**
Libraries, museums, art galleries	1 space for each 400 sf of gross floor area
Public assembly uses (e.g., places of worship, cinemas, performance theaters, meeting halls, and membership organizations).	1 space for each 4 fixed seats or 1 space for every 50 sf of gross assembly area, classrooms, meeting rooms, etc.
Schools (private)	
Elementary/Middle/Junior High	1.5 spaces for each classroom, plus 1 space for every 200 sf of assembly area in an auditorium, plus adequate bus loading facilities.
High School	1.5 spaces for each classroom, plus 1 space for every 200 sf of assembly area in an auditorium, plus adequate bus loading facilities.
Trade and business schools	10 spaces per classroom or as determined by the Planning Commission.
Studios for dance and art	1 space for each 200 sf

Land Use Type: **Residential Uses** (1)	**Number of Parking Spaces Required**
Duplexes	Two covered spaces per unit.
Mixed-use developments	Calculated by each separate use on site.
Mobile home parks	Two covered spaces for each mobile home. Tandem parking allowed in an attached carport, plus 1 guest parking space for each two units. Recreational vehicle parking shall be provided at the rate of 1 space for every 5 units.
Multi-family dwelling, condominiums and other attached dwellings	1 covered space per one bedroom unit, 2 spaces per two bedroom unit (1 must be covered), plus 1 uncovered guest space for each 5 units.
Senior congregate care facilities	0.5 space for each residential unit, plus 1 space for each 4 units for guests and employees.
Senior housing projects	0.75 space for each unit with half the spaces covered, plus 1 guest parking space for each 10 units.
Single-family housing	2 spaces within a garage.

Notes:

(1) Guest parking spaces shall be clearly marked for guest parking only and shall be evenly dispersed throughout the development site. Signs shall be provided at appropriate locations to direct visitors to guest parking locations.

TABLE 3-1 - PARKING REQUIREMENTS BY LAND USE (Continued)

Land Use Type: **Retail Trade**	**Number of Parking Spaces Required**
Appliances, building materials, furniture, and hardware stores	1 space for each 500 sf of indoor display area.
Automobile, mobile home, vehicle, machinery and parts sales	1 space for each 350 sf of gross floor area, plus 1 space for each 3,000 sf of outdoor display, service area, plus 1 space for each 300 sf of gross floor area for a parts department.
Convenience stores	1 space for each 250 sf.
Grocery stores	1 space for each 250 sf.
Restaurants/bars/night clubs	1 space for each four seats.
Retail sales and services	1 space for each 500 sf of gross floor area.
Shopping centers (shall use unsegregated parking area)	Minimum parking provided shall be 1 space for each 500 sf of gross floor area. Maximum parking provided shall be 1 space for each 200 sf of gross floor area.

TABLE 3-1 - PARKING REQUIREMENTS BY LAND USE (Continued)

Land Use Type: **Services**	**Number of Parking Spaces Required**
Banks and financial services	1 space for each 300 sf
Hotels and motels	1 space for each guest room.
Kennels and animal boarding	1 space for each 500 sf of gross floor area, plus 1 space for each 1000 sf of boarding area.
Medical services	
Clinic, medical/dental office	1 space for each 200 sf
Board and care home, group home, and in-patient drug treatment facility	1 space for each 3 beds.
Convalescent hospital	1 space for each 3 patient beds per facility license.
Hospital	1 space per bed.
Mortuary/Funeral Home	1 space for each 4 seats.
Offices, administrative, corporate	1 space for each 250 sf
Personal services Barber/beauty shops (and other personal services: tattoo studios, massage therapy)	1 space for each 200 sf
Service stations (including multi-use stations)	3 spaces for each service bay.
Storage, personal storage facilities	1 space for each 20,000 sf of gross floor area, plus 2 spaces for manager office/residence.
Vehicle repair and maintenance	
Repair garage	1 space for each 500 sf of gross floor area.
Self-service vehicle washing	2 spaces for each washing stall, for queuing and drying.
Full-service vehicle washing	1 space for each 250 sf of gross floor area.
Veterinary clinic, animal hospital	1 space for each 350 sf of gross floor area, plus 1 space for each 1000 sf of boarding area.

17.32.050 - Adjustments to Parking Requirements

Where two or more adjacent nonresidential uses have distinct and differing peak parking usage periods, (e.g. a theater and a bank), a reduction in the required number of parking spaces may be allowed through Use Permit approval. Approval shall also require a recorded covenant running with the land, recorded by the owner of the parking lot, guaranteeing that the required parking will be maintained exclusively for the use served for the duration of the use.

Reduction of required parking. The Review Authority may reduce the number of parking spaces required through the granting of a Use Permit in compliance with the following:

1. Quantitative information provided by the applicant that documents the need for fewer spaces (e.g., sales receipts, documentation of customer frequency, information on parking standards required for the proposed land use by other cities, etc.);

2. The use or project design creates an integrated whole wherein the parking reduction will not adversely affect other businesses or uses on the same property or within the boundaries of the project; or

3. The proposed parking requirement is consistent with other uses of similar intensity established elsewhere in the parking regulations and does not represent a grant of special privilege inconsistent with the intent of the parking regulations to provide adequate and consistent levels of parking for similar uses throughout the City.

17.32.060 - Disabled/Handicapped Parking Requirements

Parking areas shall include parking spaces accessible to the disabled in the following manner:

A. Number of spaces and design standards. Parking spaces for the disabled shall be provided in compliance with the California Building Code and the Federal Accessibility Guidelines. Disabled accessible parking spaces shall count toward fulfilling the parking requirements of this Chapter.

B. Residential multi-family uses. For each dwelling unit required to be designed to accommodate the physically handicapped or required to be made adaptable for the physically handicapped, the required parking shall be provided in compliance with the California Building Code.

17.32.070 - Parking Design Standards

Parking areas shall be designed and constructed in compliance with the following standards.

A. Location of parking areas.

1. Required off-street parking shall be located on the same parcel as the uses served; except with Use Permit approval, parking may be located on a parcel in the vicinity of the parcel served subject to a recorded covenant running with the land, recorded by the owner of the parking lot, guaranteeing that the required parking will be maintained exclusively for the use or activity served for the duration of the use or activity.

2. Required parking areas shall not be located in a required front or street side setback.

3. Within the downtown, no new parking areas, or curb cuts to serve a parking area shall be installed on School Street. Where possible, new parking areas and/or structures should be located to the rear of buildings and accessed from side streets or alleys.

B. Access to parking areas and parking spaces.

1. Access to parking lots. Parking lots shall be designed to prevent access at any point other than at designated access drives.

2. **Parking space location.** In order to provide adequate queuing area, no parking space shall be located within the required landscape setbacks measured from the property line, except for single-family homes and duplexes. See Figure 3-1.

3. **Internal maneuvering area.** Parking areas shall provide suitable maneuvering room so that vehicles enter the street in a forward direction, except for single-family homes and duplexes.

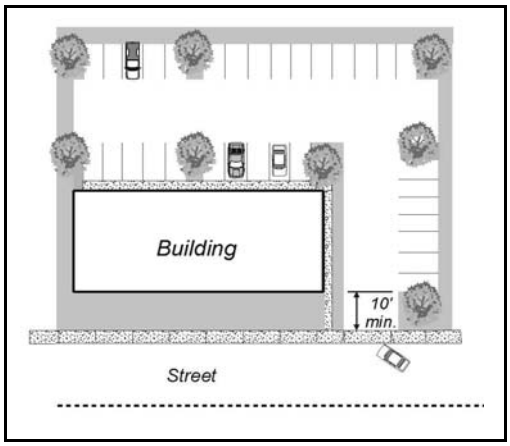


Figure 3-1 Queuing Area

4. **Vertical clearance.** A minimum unobstructed clearance height of 14 feet shall be maintained above areas accessible to vehicles in non-residential parking facilities.

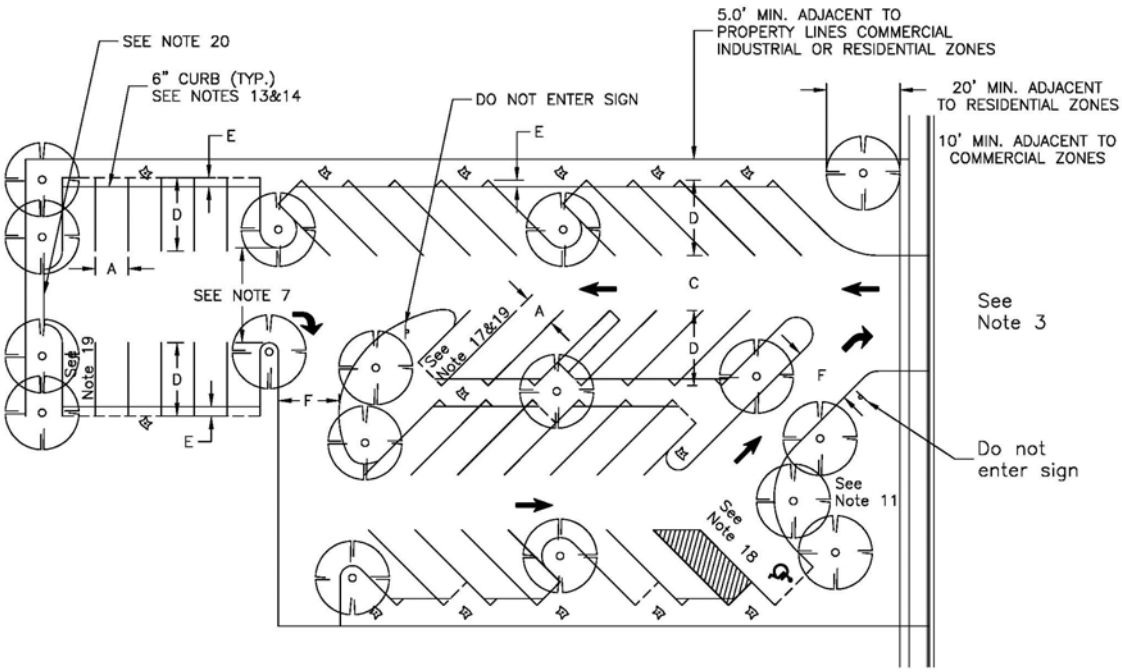
C. Access to adjacent sites. Applicants for nonresidential developments are encouraged to provide shared vehicle and pedestrian access to adjacent nonresidential properties for convenience, safety and efficient circulation. A joint access agreement guaranteeing the continued availability of the shared access between the properties and running with the land shall be recorded by the owners of the abutting properties, as approved by the Director.

D. Parking space and lot dimensions.

1. **Parking spaces within carports and garages.** Parking spaces within carports and garages shall have minimum clear dimensions of 20 feet in length by 10 feet in width per space.

2. **Standard parking spaces.** Minimum parking space dimensions shall be as described in Figure 3-2 and the notes that follow the figure.

Parking and Loading



Minimum Parking Lot Standards						
Parking Angle*	"A"	"B"	** "C"	"D"	"E"	"F"
Parallel Parking	10	24	14	10	3	See Note 3
45°	9 9.5 10	12.7 13.4 14.2	15 14 14	20.5 20.8 21.2	1.8 1.8 1.8	17 17 17
60°	9 9.5 10	10.5 11 11.6	19 18 18	21.8 22.1 22.3	2.2 2.2 2.2	14 14 14
90°	9 9.5 10	9 9.5 10	25 24 24	20 20 20	2.5 2.5 2.5	14 14 14

* Dimensions for other parking angles must be evaluated separately for approval.
** For two-way traffic minimum is 24 feet.

Parking and Loading

Notes:

1. A minimum number of parking spaces required is established by the City of Lodi Ordinance.
2. All parking stalls shall be marked in an acceptable manner.
3. Lots designed for more than four cars must have two–way access.
4. Where two parking angles can be used in a single lot, they shall be located in separate areas of the lot (except as shown on layout.)
5. Any parking layout necessitating a cul–de–sac or similar type of turning facility for reversing direction of travel in order to exit from the area or any parking spaces will generally be discouraged, and it should be approved by the City Staff prior to the incorporation into the plan.
6. Residential parking for more than four cars regardless of zoning designation shall not be designed to require backing out onto any public street Rights–of–Way.
7. Two–way traffic aisles shall be a minimum of 24 feet wide.
8. In any non–residential parking condition parking or backing area within a parking lot shall not extend into the public Rights–of–Way, regardless of zoning designation.
9. When a long driveway having only a single ingress is necessary within a development, provisions should be made for the maneuvering of emergency vehicles and the arrangement approved by City Staff prior to its incorporation into the plan.
10. All parking lots shall have an adequate structural section and shall be paved with a minimum of two inches of asphalt concrete.
11. All unusable areas shall be landscaped where practical.
12. Landscaped areas within or adjacent to the parking area shall provide for a minimum of one shade tree for every four parking stalls. Depending on type and size of shade tree, requirements may be modified by the City Site Plan and Architectural Review Committee.
13. Six–inch high concrete curbs shall separate all paved and landscaped areas.
14. Concrete curbing shall be used as wheel stops where possible. The use of bumper blocks is discouraged.
15. Landscaped areas shall be provided between asphalt areas and all building structures, fences and property lines. Hardscaping may be used where pedestrian access is a necessity as determined by the City Site Plan and Architectural Review Committee.
16. Landscaping shall conform to the City of Lodi Landscape Guidelines.
17. End stalls should be protected from the turning movements of other cars with a minimum 5' landscape planter.
18. Handicapped stalls shall be be a min. of 9' wide plus an adjacent 8' min. access zone to accommodate Van accessible parking. If there is more than one stall at least one must meet the Van accessible size. The additional stalls shall be a min. of 9' wide plus an adjacent 5' min. access zone, per title 24, Chapter 2–7102, California Administrative Code.
19. End stalls and stalls adjacent to curbings shall be a minimum of ten feet wide.
20. Dead end 90° parking shall be provided with adequate turning room.
21. Parking requirements for the interior of parking lots on industrial lots surrounded solely by heavy industrially zoned properties may be modified by the Site Plan and Architectural Review Committee.

Figure 3-2 Standard Parking Stall Dimensions

3. **Compact parking spaces.** Parking areas containing a minimum of twenty or more parking spaces may include a maximum of 15 percent of the total number of parking spaces for compact cars. These spaces shall be designated and distributed throughout the lot. Dimensions of compact parking spaces shall be no smaller than 6 inches less than a standard stall in width and 2 feet less than a standard stall in depth.

E. Curbing and wheel stops.

1. **Curbing.** Continuous concrete curbing at least six inches high and six inches wide shall be provided along the edges of parking spaces adjacent to fences, walls, other structures, and landscaping.

   a. Alternative barrier designs may be approved by the Director.

b. Parking spaces adjacent to landscaped areas or other obstructions shall incorporate an additional curbing width of 12 inches (for a total of 18 inches) to provide a place to stand while exiting and entering vehicles.

c. Curbing shall be placed within the parking space a minimum of 2 feet from the front of the space.

2. Wheel stops. Wheel stops other than continuous concrete curbing shall be prohibited except in work areas, and parking areas not open to the public.

3. Bumper overhang. To increase the parking lot landscaped area, a maximum of 2 feet of the parking stall depth may be landscaped with low-growth, hearty materials in lieu of paving, allowing a 2-foot bumper overhang while maintaining the required parking dimensions.

F. Directional arrows and signs:

1. Parking spaces, aisles, approach lanes and maneuvering areas shall be clearly marked with directional arrows and lines to ensure the safe and efficient flow of vehicles.

2. The Director may require the installation of traffic signs in addition to directional arrows to ensure the safe and efficient flow of vehicles in a parking facility.

G. Driveways

1. Width. Maximum driveway width shall be 35 feet for standard driveways and 56 feet for special driveways unless specifically approved otherwise by the City Engineer for high truck volumes or other factors.

The total width of commercial and industrial driveways shall not exceed 60% of the frontage.

The minimum width of a single driveway shall be 12 feet and 24 feet for a driveway serving a parking lot with two-way aisle. Additional driveway width may be required on collectors and arterial streets particularly where there is no parking and a travel lane is adjacent to the curb.

Standard driveway width is measured at the curb line and includes only the depressed section. Special driveway width is measured between curbs behind property side. Width of a raised medians separating in and out traffic is not included in the width.

2. Distances from curb returns. Commercial, industrial or other high volume driveways on arterials and major collectors shall be located as far as practical from the nearest curb return and may be prohibited within 100 feet where the intersection is signalized, is planned for signalization, or intersection capacity is critical. At other locations, the top of the driveway transition shall be at least 10 feet from the nearest curb return provided the return meets current standards for radius and location. At streets to be widened or improved, the above distances shall be measured from the ultimate location of the curb return.

At alleys, the driveway transition shall be permitted no closer than 10 feet from the projected intersecting alley curb face, and no closer than 3 feet from the nearest ally curb return.

H. Grades of driveways and parking areas.

1. **Driveways.** Driveways shall not exceed a maximum grade of +10 percent or -6 percent measured along the driveway centerline. Where there is a change in the slope of the driveway, it shall be demonstrated that vehicles will be able to pass over the change in slope without interference with an average vehicle's undercarriage.

2. **Parking areas.** Parking areas shall have a maximum grade of seven percent, measured in any direction.

I. Landscaping. Parking area landscaping shall be provided in compliance with Chapter 17.30 (Landscaping).

J. Lighting. Parking areas shall have lighting capable of providing adequate illumination for security and safety. Lighting standards shall be energy-efficient and in scale with the height and use of the on-site structures. All illumination, including security lighting, shall be directed downward, away from adjacent properties and public rights-of-way. Lighting location shall take into account the location and expected mature characteristics of on-site landscape materials.

K. Residential guest parking. Guest parking for multi-family residential uses shall be designated and restricted for the exclusive use of the guests with appropriate signs and pavement markings.

L. Striping and identification. Parking spaces shall be clearly outlined with four-inch wide lines painted on the surface of the parking facility. Circulation aisles, approach lanes, and turning areas shall be clearly marked with directional arrows and lines to ensure safe traffic movement.

M. Surfacing. Parking spaces, driveways, maneuvering areas, and outdoor storage areas shall be paved with asphalt, concrete, masonry or concrete paving units, and permanently maintained. The use of rock, decomposed granite, turfstone, etc., is not allowed for required parking and driveway areas.

17.32.080 - Driveways and Site Access

A. Distance from street corners. Driveways to parking areas, except single family residential and duplex driveways, shall be located as far as practical from the nearest curb return and may be prohibited within 100 feet where the intersection is signalized, is planned for signalization, or intersection capacity is critical. At other locations, the top of the driveway transition shall be at least 10 feet from the nearest curb return provided the return meets current standards for radius and location. At streets to be widened or improved, the above distances shall be measured from the ultimate location of the curb return. At alleys, the driveway transition shall be permitted no closer than 10 feet from the projected intersecting alley curb face, and no closer than 3 feet from the nearest ally curb return. Exceptions to this standard may be approved by the City Engineer.

B. Driveway spacing. Driveways shall be separated along the street frontage as follows:

1. **Single-family and duplex residential development.** Driveways shall be separated by at least six feet, unless a shared, single driveway is approved by the Director. The six-foot separation does not include the transition or wing sections on each side of the driveway approach.

2. **Multi-family and nonresidential development.** Where two or more driveways serve the same or adjacent multi-family or nonresidential development, the centerline of the driveways shall be separated by a minimum of 200 feet.

C. Drive aisles.

1. **Single-family uses.**

   a. Each single-family dwelling shall provide a continuous paved driveway from the street to the required parking area. Driveways shall be kept free and clear of stored materials, including inoperable vehicles.

4. **Multi-family and nonresidential uses.** Drive aisles within multi-family residential and nonresidential parking areas shall be designed and constructed in compliance with Figure 3-8.

D. Drive-through facilities. Retail or service uses providing drive-in/drive through facilities shall be designed and operated to effectively mitigate problems of traffic congestion, excessive pavement, litter, noise, and unsightliness.

1. **Clearance from obstruction.** The nearest edge of a driveway apron or curb return shall be at least five feet from the nearest property line, centerline of a fire hydrant, utility pole, traffic signal, light standard, or other similar facility.

2. **Visibility.** Drive aisles shall be designed and located so that adequate visibility is ensured for pedestrians, bicyclists, and motorists when entering individual parking spaces, circulating within a parking facility, and entering or leaving a parking facility.

   a. Aisle design.

   (1) The entrance/exit of any drive-through aisle shall be at least 50 feet from an intersection of public rights-of-way (measured at the closest intersecting curbs) and at least 25 feet from the edge of any driveway on an adjoining parcel.

   (2) Drive-through aisles shall be designed with a minimum 12-foot interior radius at curves and a minimum 12-foot width.

   b. Stacking area. A clearly identified area shall be provided for vehicles waiting for drive-through service that is physically separated from other on-site traffic circulation.

   (1) The stacking area shall accommodate a minimum of eight cars for each drive-through window in addition to the vehicle(s) receiving service.

   (2) The stacking area shall be located at and before the menu board, teller window, etc.

   (3) Separation of the stacking area from other traffic shall be by concrete curbing or paint striping on at least one side of the lane.

   (4) Stacking areas parallel to streets or public rights-of-way shall be discouraged.

   c. Walkways. Pedestrian walkways should not intersect the drive-through aisles, but where they do, they shall have clear visibility and shall be emphasized by enhanced paving.

3. **Screening.** An opaque screen consisting of plant material and a solid masonry wall, a minimum of six feet in height, shall be constructed on each property line that is adjoining a residentially zoned/occupied parcel. The design of the wall and the proposed construction materials shall be subject to the approval of the Director.

4. Signs.

a. Directional signs. Each entrance to, and exit from, any drive aisle shall be clearly marked to show the direction of traffic flow by signs and pavement markings.

b. Menu boards. Menu boards shall not exceed a maximum height of six feet, and shall face away from public rights-of-way. Outdoor speakers shall be located at least 50 feet from any residentially zoned/occupied parcel.

17.32.090 - Bicycle Parking

A. Applicability. Bicycle parking shall be provided for all multi-family and nonresidential uses in compliance with Table 3-3.

TABLE 3-3 – BICYCLE PARKING REQUIREMENTS BY LAND USE

Use	Required Stalls	Location
Commercial, Services, Recreation, Education and Public Assembly	4 stalls or 20 percent of required off-street automobile parking stalls, whichever is greater (up to a maximum of 30 bicycle stalls)	Adjacent to bicycle paths and pedestrian walks ≤ 200 ft. of public entrance.
Residential: Dwelling, multi-family	1 per 2 units	Must be secure
Industrial, Manufacturing and Processing	4 stalls or 5 percent of required off-street automobile parking stalls, whichever is greater (up to a maximum of 15 bicycle stalls)	Adjacent to bicycle paths and pedestrian walks ≤ 200 ft. of public entrance.

1. For each 10 bicycle parking stalls provided, there shall be permitted a reduction of one required automobile parking stall to a maximum of 15 percent of the required automobile parking stalls, at the discretion of the Community Development Director or Planning Commission (depending on who is the Review Authority).

B. Bicycle parking design and devices. Bicycle stalls shall be improved in accordance with the following requirements:

1. Provided with a device to be approved by the City and capable of supporting a bicycle in an upright or hanging position and having a means that will enable a user to lock a bicycle to such a device.

2. Areas containing stalls shall be surfaced with hardscape or paving.

3. When located within a parking area, spaces shall be protected by curbs, fences, planter areas, bumpers, or similar barriers for the mutual protection of bikes, automobiles and pedestrians, unless deemed by the City to be unnecessary.

17.32.100 - Loading Space Standards

Loading spaces shall be designed and constructed as follows.

A. Location. Loading spaces shall be located based on the operating characteristics of the proposed use:

1. As near as possible to the main structure and limited to the rear two-thirds of the parcel, if feasible;

2. Loading facilities shall be discouraged from facing streets. Where not possible to do otherwise, ensure that the loading facility is screened from adjacent streets as much as possible;

3. To ensure that loading and unloading takes place on-site and in no case within adjacent public rights-of-way or other traffic areas on-site;

4. To ensure that vehicular maneuvers occur on-site; and

5. To avoid adverse impacts upon neighboring residential properties.

B. Dimensions. Loading spaces shall be not less than 12 feet in width, 45 feet in length, with 14 feet of vertical clearance.

C. Lighting. Loading areas shall have lighting capable of providing adequate illumination for security and safety. Lighting standards shall be energy-efficient and in scale with the height and use of adjacent structures. Lighting shall be designed to prevent spillage of light to adjacent properties.

D. Loading doors and gates. Loading bays and roll-up doors shall be painted to blend with the exterior structure walls. Loading bays and doors, and related trucks shall be adequately screened from view from adjacent streets as determined by the review authority.

E. Loading ramps. Plans for loading ramps or truck wells shall be accompanied by a profile drawing showing the ramp, ramp transitions and overhead clearances.

F. Screening. Loading areas abutting residentially zoned parcels shall be screened in compliance with 17.30.060 (Screening).

G. Striping. Loading areas shall be striped indicating the loading spaces and identifying the spaces for "loading only." The striping shall be permanently maintained by the property owner/tenant in a clear and visible manner at all times.

17.32.110 – Parking and Circulation Design Guidelines

A. General Design Considerations. The primary design considerations for parking lot layout and site access are safety and efficiency, minimizing the visual impact of large paved areas, reinforcing the street environment, integrating parking into overall site development, and maximizing pedestrian orientation by means of lighting, landscape, hardscape, and parking layout.

1. Factors to consider. The following factors should be considered in the design and development of off-street parking areas:

a. Ingress and egress with consideration to possible conflicts with vehicular and pedestrian traffic;

b. Intra-parking lot pedestrian and vehicular conflicts;

c. Reinforcing the street edge and a pedestrian environment;

d. On-site circulation and service vehicle zones;

e. Overall configuration and appearance of the parking area;

f. Promoting compatibility with adjacent land uses;

g. Minimizing opportunities for crime and undesirable activities through natural surveillance, access control and activity support;

h. Potential to connect parking lot with neighboring properties;

i. Shading the parking lot by means of canopy trees and other landscaping;

j. Creating a sense of spatial organization and experiential meaning through the layout of the design of the parking lot;

k. Reducing heat gain by shading pavement and employing light-colored pavement and walls; and

l. Maximizing on-site percolation and minimizing runoff to storm drains.

1. **Location of parking lots.** Parking lots should not occupy street frontages, and should be located behind buildings to the maximum extent feasible, so that the street frontage in both residential and non-residential areas remains pedestrian-oriented.

2. **Relationship to adjacent buildings.** Parking areas should be separated from buildings by either a raised concrete walkway or landscaped strip. If space allows, parking stalls directly abutting buildings should be avoided.

3. **Pedestrian-friendly features.** Lighting, landscaping, hardscape, fencing, parking layout and pedestrian paths should all contribute to the strength and clarity of the parking lot as a deliberate and thorough design.

B. Access and Entries

1. Pedestrian and vehicular entrances must be clearly identified and easily accessible to minimize pedestrian and vehicle conflicts. Entrances to parking lots should be from alleys, or between buildings, retaining the street frontage for buildings and locating parking to the rear of buildings, or to the side where no other alternative is available. The use of enhanced paving, landscaping, and special architectural features and details is encouraged to distinguish entrances.

2. Where a parking cannot be located other than adjacent to a public street, the facility should include a point of entry and clear and safe access for pedestrians from the lot, to the on-street sidewalk, to the sidewalk entrance of the building.

Parking and Loading

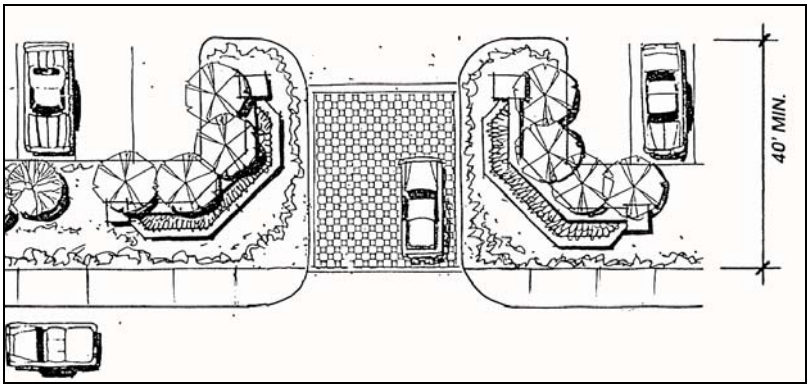


Figure 3-2 Enhanced Parking Lot Entry

C. Lighting

Carefully designed lighting is an essential element of good parking lot design. The placement, type, height number and bulb type of lights should all contribute to a coherent lighting design (See lighting under Commercial Guidelines).

D. Hardscape

1. A well thought-out selection and composition of hardscape materials can help to order space and reinforce the relationship of the parking lot to its surroundings and to the buildings it serves. Entrance and exit areas, areas that are the central focus of the parking lot design, major axis and areas that act as forecourts for entrances may be suitable locations for special paving materials such as brick or stamped asphalt.

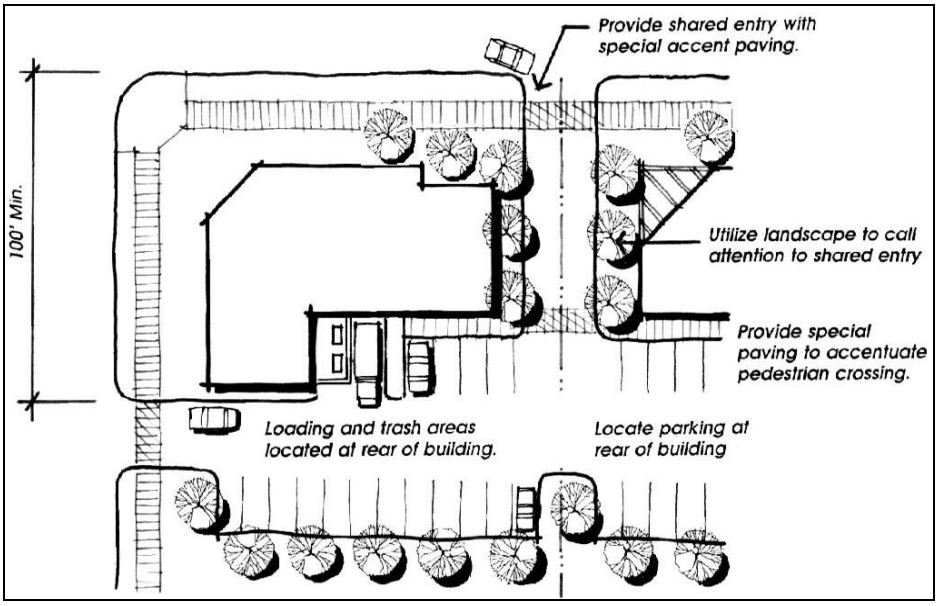


Figure 3-3 Hardscape Materials

2. Limit curb cuts for driveways opening to public streets. Common shared access driveways which provide access to more than one site are encouraged to reduce the number of driveway entries along commercial streets.

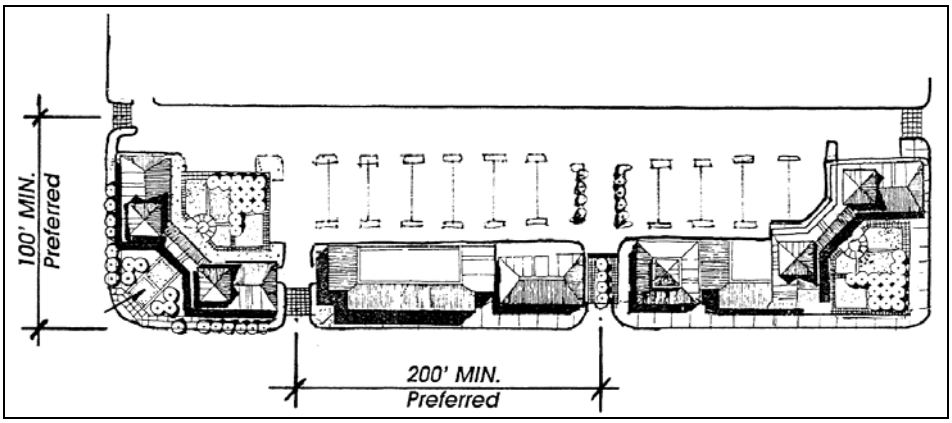


Figure 3-4 Spacing of Driveway Curb Cuts

3. Design parking areas so that pedestrians walk parallel to moving cars. Minimize the need for the pedestrian to cross parking aisles and landscape areas.

4. Access for service vehicles, trash collection and storage areas should be located on alleys where alleys exist.

E. Circulation

1. Separate vehicular and pedestrian circulation systems should be provided where possible. The layout of parking areas should be designed so that pedestrians walk parallel to moving cars, minimizing the need to walk between parked cars or to cross parking aisles and landscape areas.

2. Pedestrian linkages between uses in commercial developments should be emphasized. Parking lot designs should include walkways and planting that help direct pedestrians comfortably and safely to their destinations.

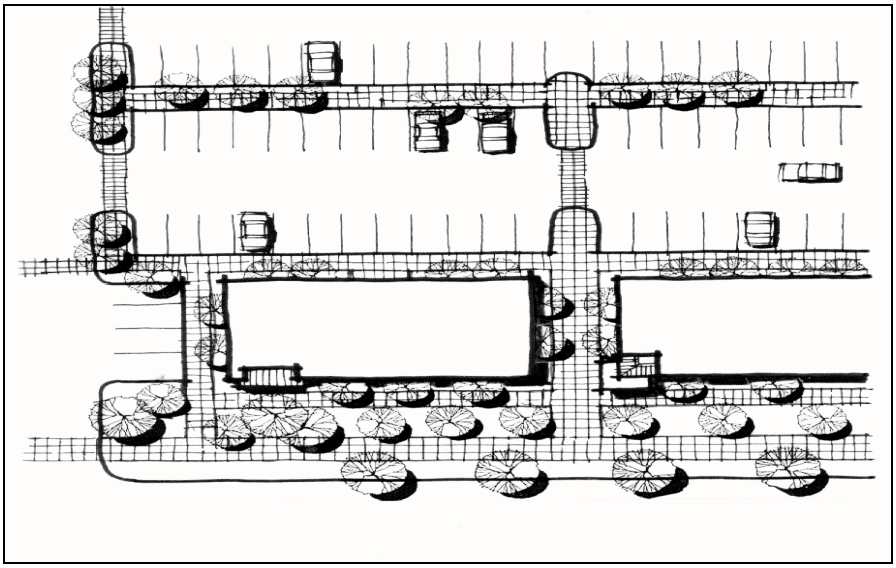


Figure 3-5 Pedestrian Connections

3. Parking aisles should be separated from primary vehicle circulation routes whenever possible.

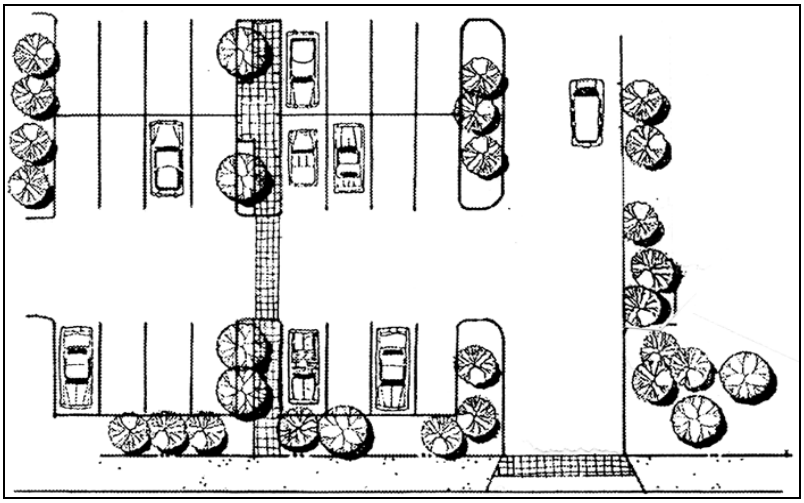


Figure 3-6 Separate Circulation from Parking Aisles

4. Where parking areas are connected, interior circulation should allow for a similar direction of travel and parking spaces in all areas to reduce conflict at points of connection.

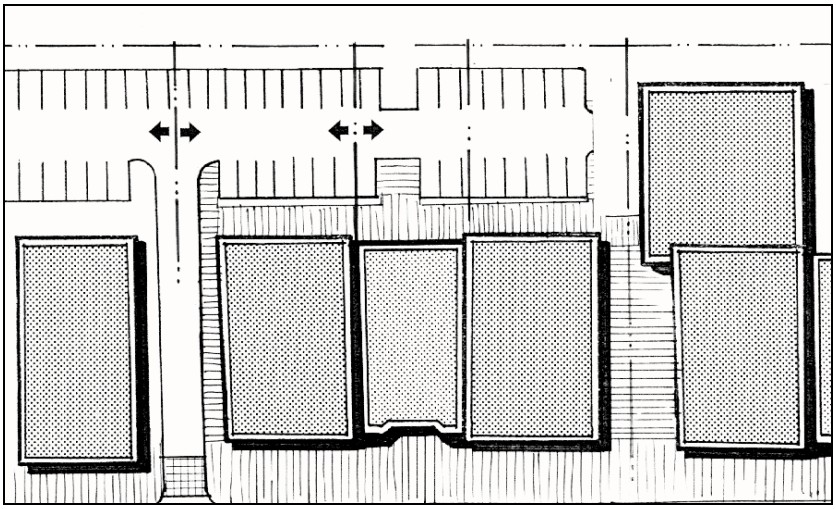


Figure 3-7 Shared Parking Access

F. Landscaping, Screening, and Buffering

1. Parking facilities should be landscaped with the following objectives in mind:

   a. Visually break up large paved areas with landscaping;

   b. Maximize distribution of landscaping;

   c. Promote compatibility and function as a "good neighbor;"

   d. Consider the use of trees planted at regular distances as a grove; and,

   e. Reduce the amount of storm water run-off resulting from the lot; and

   f. Shade 50 percent of the asphalt area within five years from time of installation.

2. If a parking lot must be located adjacent to a street, the lot should be landscaped to soften the visual impact of parked vehicles from the public right-of-way. Screening should consist of a combination of low walls and landscape materials. The objective is to strike a balance between screening parked automobiles and facilitate safety through natural surveillance opportunities.

3. As long as an open surveillance zone is maintained between 32 and 6 feet above grade, landscaping should be used in combination with walls and fences.

4. Planting areas adjacent to parking areas, drives or walks should be protected by curbing where necessary, while allowing for drainage of surface water into permeable surface areas. See Figure 3-8.

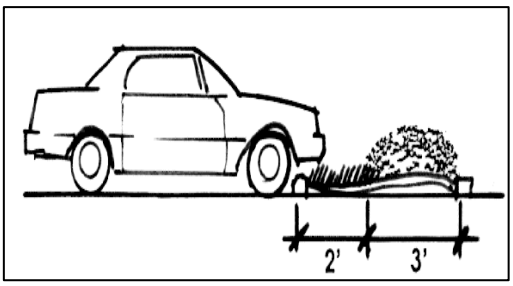


Figure 3-8 - Protect Landscaping

5. Both perimeter and interior landscaping should incorporate canopy-type trees. The location and spacing of trees is dependent on the type of tree used, but the overall effect should be of a relatively consistent tree cover which will shade the pavement and vehicles. See Figure 3-9.

6. Reduce conflicts between trees, lighting and signage by coordinating location of trees, light poles & signs. The maximum height of lights shall be lower than the typical pruning height of the tree used. The use of monument signs is highly encouraged to reduce tree/sign conflicts.

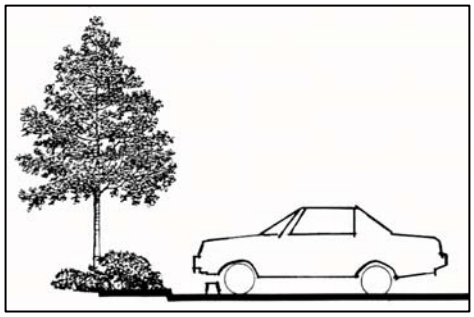


Figure 3-9 - Tree Cover

7. All trees indicated on plans shall be planted and no change of species is allowed unless approved by the director.

8. Planter areas shall have increased soil volume and reduced compaction to an appropriate level set by the submitted plans. The use of structural soil mix under paving to retain parking space while increasing soil volume is highly encouraged.

9. Tree well and planting islands shall have a minimum dimension of 8 feet and be excavated to a depth of 3 feet and filled with amended soil as necessary.

10. Stakes shall be removed from trees as soon as the tree can support itself.

11. The pruning of parking lot trees early in order to train their growth is encouraged.

12. Tree care should be performed under the supervision of a certified arborist.

13. If a tree is removed, it must be replaced with a tree of equivalent size and value.

CHAPTER 17.34 - SIGNS

Sections:

17.34.010 - Purpose of Chapter
17.34.020 - Applicability
17.34.030 - Sign Permit Requirements
17.34.040 - Prohibited Signs
17.34.050 - General Requirements for All Signs
17.34.060 - Zoning District Sign Standards
17.34.070 - Standards for Specific Types of Signs
17.34.080 - Exceptions to Sign Area Standards
17.34.090 - Sign Maintenance
17.34.100 - Nonconforming Signs
17.34.110 - Violations and Abatement
17.34.120 - Judicial Review
17.34.130 - Sign Design Guidelines

17.34.010 - Purpose of Chapter

The regulations established by this Chapter are intended to regulate the placement, type, size, and number of signs allowed within the City, and to require the proper maintenance of signs. The purposes of these limitations and requirements are to:

A. Enhance commerce within the community by providing for signs that will allow the public to easily identify uses and premises, and regulating signs on the basis of their physical design, location, and proportions;

B. Preserve and enhance the aesthetic, traffic safety, and environmental values of the community, and commercial, office, and industrial districts, while at the same time providing a channel of communication to the public;

C. Limit commercial signage to on-site locations to keep the proliferation of this signage to a more aesthetic proportion, and protect existing businesses from visual encroachment from new signage on neighboring properties;

D. Avoid traffic safety hazards to motorists and pedestrians caused by visual distractions and obstructions;

E. Promote the aesthetic quality of the community by providing for signs that enhance the attractiveness of the City as a place to live, work, and shop; and

F. Safeguard and protect the public health, safety, and general welfare.

Signs

17.34.020 - Applicability

A. Signs regulated. The requirements and development standards in this Chapter shall apply to all signs in all zoning districts except signs that are less than thirty-three (33%) percent of a window surface.

B. Applicability to sign content. The provisions of this Chapter do not regulate the message content of signs (sign copy), regardless of whether the message content is commercial or noncommercial.

17.34.030 - Sign Permit Requirements

No sign shall be installed, constructed, or altered unless it is first approved in compliance with this Section.

A. Fees and plans required. An application for a Sign Permit shall be filed and processed in compliance with Chapter 17.50 (Application Filing and Processing). The application shall also include architectural elevations and plans of all proposed signs drawn to scale, with all dimensions noted, and include any additional information and materials as required by the Department.

B. Design review and approval. The Director shall review all Sign Permit applications and approve only those found to be in substantial conformance with the design review criteria provided in Section 17.34.050 (General Requirements for All Signs). The Director may require conditions of approval as are reasonably necessary to achieve the purposes of this Chapter.

The Director may refer Sign Permit applications to SPARC for action, either on the individual Sign Permit, or as part of a development project that is otherwise subject to SPARC review.

C. Master sign program.

1. When required. A master sign program shall be approved by the Director (or by SPARC upon referral by the Director) prior to the issuance of any Sign Permit for:

a. A new nonresidential project with four or more tenants; and

b. Major rehabilitation work on an existing nonresidential project with four or more tenants that involves exterior remodeling. For the purposes of this Chapter, major rehabilitation means adding more than 50 percent to the gross floor area of the building/buildings, or exterior redesign of more than 50 percent of the length of any facade within the project.

All signs installed or replaced within the nonresidential project shall comply with the approved master sign program.

2. Content of program. A master sign program shall provide standards for the uniform style, size, placement, and color palette of signs within the proposed nonresidential project.

3. Revisions. Revisions to a master sign program may be approved by the Director if he or she first determines that the revision is minor and that the intent of the original approval, and any applicable conditions are not affected. A new Sign Permit shall be obtained for revisions that would substantially deviate from the original approval.

D. Time limit for action. A Sign Permit or a master sign program shall be approved or disapproved by the Review Authority within 15 working days of the application being accepted as complete in compliance with Section 17.38.060 (Initial Application Review). A sign that is submitted in full

compliance with an approved master sign program shall be approved within 5 working days of the application being accepted as complete.

E. Signs and sign changes allowed without a Sign Permit. The following do not require a Sign Permit, provided that they comply with Section 17.34.050 (General Requirements for All Signs), and any required Building Permit is obtained.

1. Nonstructural modifications and maintenance.

a. Modifications or replacement to a face of a cabinet sign.

b. Nonstructural modifications of the face, design, or color of an existing sign, provided that the modifications comply with any applicable master sign program approved in compliance with Subsection C.

c. The normal maintenance of signs.

2. Temporary signs. Temporary signs in compliance with Section 17.34.070.D.

17.34.040 - Prohibited Signs

The following types of signs and devices shall be specifically prohibited:

A. A sign in conjunction with a home occupation permit;

B. Abandoned signs;

C. Animated signs, including electronic message display signs, and variable intensity, blinking, or flashing signs; except time and temp signs (except in accordance with Section 17.34.070.F, Programmable Electronic Signs);

D. Balloons and other inflatable devices;

E. Moving signs;

F. Permanent off-site signs;

G. Pennants, except as allowed for temporary periods by Section 17.34.070;

H. Roof signs;

I. Because of the City's compelling interest in ensuring traffic safety, signs that simulate in color, size, or design, any traffic control sign or signal, or that make use of words, symbols, or characters in a manner that interferes with, misleads or confuses pedestrian or vehicular traffic;

J. Signs attached to or suspended from a vehicle parked within a public right-of-way, or in a location on private property that is visible from a public right-of-way, except a sign painted directly upon, magnetically affixed to, or permanently affixed to the body or other integral part of the vehicle;

K. Temporary and portable signs, except as allowed by Section 17.34.070;

L. Poorly maintained signs; and

Signs

M. Signs in public right-of-way or affixed to City property.

17.34.050 - General Requirements for All Signs

A. Sign area. The measurement of sign area to determine compliance with the sign area limitations of this Chapter shall occur as follows.

1. The surface area of a sign shall be calculated by enclosing the extreme limits of all framing, writing, logo, representation, emblem, or other display within a single continuous perimeter composed of squares or rectangles with no more than eight lines. See Figure 3-10.

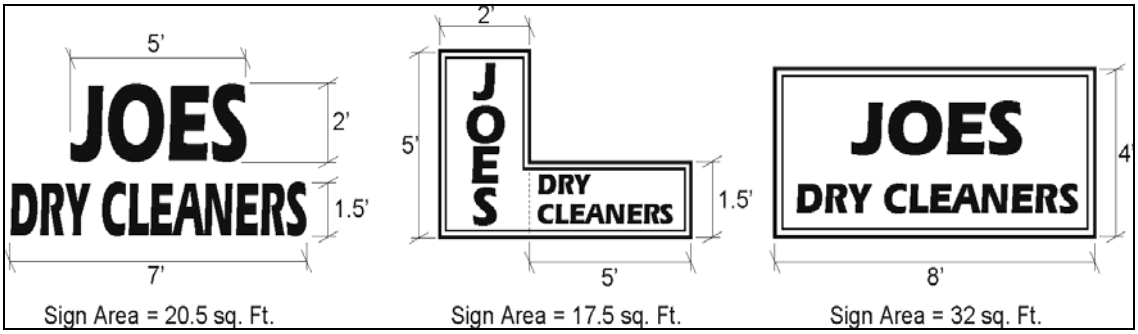


Figure 3-10 Sign Area Measurement

2. Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area.

3. For freestanding signs all readable surfaces visible from a public right-of-way shall be counted in sign area calculations.

4. Where a sign consists of one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture or statue-like trademarks), the sign area shall be measured as their maximum projection upon a vertical plane.

5. For signs that incorporate time and temperature devices, the area of these devices shall not be included in the total area of the sign.

B. Sign height. Sign height shall be measured as the vertical distance from the finished grade adjacent to the base of the sign structure to the highest point of the structure, where finished grade does not include fill, planters, or other material artificially placed to allow increased sign height.

C. Sign location requirements.

1. All signs identifying an occupant, business, or use shall be located on the same site as the occupant, business, or use, except as otherwise allowed by this Chapter.

2. Signage allowed on one building or frontage shall not be transferred to another building or frontage.

3. Each sign, including a sign located on a temporary or portable building, shall be subject to the requirements of this Chapter.

4. No sign shall be located within the public right-of-way, except as otherwise allowed by this Chapter.

5. A sign for the purpose of construction, sales, or leasing are permitted within a required setback area, provided it is:

   a. Located within a permanently maintained landscaped planter area having an area at least twice that of the sign area;

   b. Not closer than 10 feet from any property line and 10 feet from any access driveway; and

   c. Not within a radius of 20 feet of the intersection of the rights-of-way of two intersecting streets.

6. The location of all signs shall be evaluated to ensure:

   a. That the setback is appropriate for the height and area of a freestanding or projecting sign;

   b. That flush or projecting signs relate to the architectural design of the building. Signs that cover windows, or that spill over natural boundaries and architectural features shall be discouraged;

   c. That signs do not unreasonably block the sight lines of existing signs on adjacent properties; and

   d. Pedestrian and vehicular safety.

7. A freestanding sign may be placed only on a site frontage adjoin a public street.

8. No freestanding sign shall be closer than 75 feet to another freestanding sign, to ensure adequate visibility for all signs. The Director may waive this requirement where parcel width and/or the locations of existing signs on adjacent properties would make the 75-foot separation impractical.

D. Design criteria for signs. The following design criteria shall be used in reviewing the design of individual signs. Substantial conformance with each of the following design criteria shall be required before a Sign Permit or Building Permit can be approved.

1. Color. Colors on signs and structural members should be harmonious with one another and reflective of the dominant colors of the building or buildings being identified. Contrasting colors may be utilized if the overall effect of the sign is still compatible with the building colors and prevailing colors in the surrounding neighborhood (where a theme can be identified).

2. Materials and structure.

   a. Sign materials (including those for framing and support) should be representative of the type and scale of materials used on the building or buildings which the sign identifies. Insofar as possible, sign materials should match the materials used on the building and on other signs.

   b. Materials selected for permanent signs shall be durable and capable of withstanding weathering over the life of the sign with reasonable maintenance.

c. The size of the structural members (e.g. columns, crossbeams, and braces) should be proportional to the sign panel they are supporting. In general, fewer larger supporting members are preferable to many smaller supports.

d. The use of individual letters incorporated into the building design is encouraged, rather than signs with background and framing other than the building wall.

e. The use of reflective materials or surfaces may be approved only where the Review Authority determines that they will not distract motorists or create other hazards, and should be minimized in all cases.

f. Wall signs shall not project from the surface upon which they are attached more than required for construction purpose and in no case more than 12 inches.

g. Wall signs shall not project above the eave line or the edge of the roof of a building.

E. Copy design guidelines. The City does not regulate the message content (copy) of signs; however, the following are principles of copy design and layout that can enhance the readability and attractiveness of signs. Copy design and layout consistent with these principles is encouraged, but not required.

1. Sign copy should relate only to the name and/or nature of the business or commercial center.

2. Permanent signs that advertise continuous sales, special prices, etc. should be avoided.

3. Information should be conveyed briefly or by logo, symbol, or other graphic manner. The intent should be to increase the readability of the sign and thereby enhance the identity of the business.

4. Freestanding signs should contain the street address of the parcel or the range of addresses for a multi-tenant center.

F. Illumination of signs. The artificial illumination of signs, either from an internal or external source, shall be designed to minimize light and glare on surrounding rights-of-way and properties.

1. External light sources shall be directed and shielded to limit direct illumination of any object other than the sign.

2. The light from an illuminated sign shall not be of an intensity or brightness that will interfere with the reasonable enjoyment of residential properties. In areas with low ambient nighttime illumination levels (e.g., residential neighborhoods or business districts with little or no illuminated signing) applicants shall be encouraged to use light, illuminated copy against dark or opaque backgrounds.

3. Signs shall not have blinking, flashing, or fluttering lights or other illuminating devices that have a changing light intensity, brightness or color, except as otherwise allowed in Section 17.34.070.F, Programmable Electronic Signs.

4. Colored lights shall not be used at a location or in a manner so as to be confused or construed as traffic control devices.

5. Neither the direct nor reflected light from primary light sources shall create a hazard to operators of motor vehicles.

6. Incandescent lamps shall not be visible from a public right-of-way or adjacent property.

7. Light sources shall utilize energy efficient fixtures to the greatest extent possible.

G. Maintenance of signs. Signs and supporting hardware, including temporary signs, shall be maintained in good repair and functioning properly at all times. Repairs to signs shall be of equal or better in quality of materials and design as the original sign. Signs which are not properly maintained and are dilapidated shall be deemed to be a public nuisance, and may be abated in compliance with Lodi Municipal Code.

When existing signs are removed or replaced, all brackets, poles, and other supports that are no longer required shall be removed. Unpainted areas shall be painted to match the adjacent portion of the building or sign support structure.

H. Signs on Public Property: No signs are allowed on public property, except for the following:

1. A public sign erected by or on behalf of the City or other public entity to post legal notices, identify public property, convey public information, or direct or regulate pedestrian or vehicular traffic.

2. An informational sign of a public utility or transit company regarding its poles, lines, pipes, facilities, or routes.

3. An emergency warning sign erected by the City or other public entity, a public utility company, or contractor doing authorized or permitted work on public property.

4. Signs constructed by the City to direct persons to specific districts, regions, or public facilities.

5. Banner signs on City property (e.g., light poles in downtown area or along major corridors)

17.34.060 - Zoning District Sign Standards

Only the signs and sign area authorized by this Section shall be allowed unless otherwise expressly provided in this Section or Section 17.34.070 (Standards for Specific Types of Signs).

A. Residential zoning districts. Signs within the residential zoning districts shall comply with the following standards.

1. Size and type of signs allowed. Each parcel in the residential zoning districts may be permitted signs as follows:

a. One nameplate not exceeding one square foot in area identifying the occupant of a residence. No Building Permit is required;

b. One identification sign for apartment and institutional use, not exceeding 48 square feet in area;

c. One unlighted sign not exceeding six square feet in area that advertises the sale or rental of the premises. No Building Permit is required;

d. A bulletin board for a religious facility or public institution, not exceeding 20 square feet in area;

e. One sign not exceeding 100 square feet in area on the site of a construction project or new subdivision, that indicates the nature of the development or identifies the persons involved in the construction; which may be placed on the site prior to or during the development activities;

f. One unlighted, noncommercial sign not exceeding six square feet in area; and

g. A warning or no trespassing sign not exceeding six square feet in area. No Building Permit is required.

2. Setback requirements. Each sign shall be set back at least 10 feet from all property lines.

3. Height limit. No building mounted sign shall exceed a height of 20 feet. No freestanding sign shall exceed a height of 8 feet, sign plus base.

B. Commercial and industrial zoning district sign standards. Each proposed sign shall comply with the following standards for the applicable zoning district.

1. CC district. Each sign within the CC zoning district shall comply with the following standards.

a. General Specifications and Requirements

(1) Sign content shall be limited to the Tenant's name and primary graphic logo unless specifically provided for herein;

(2) Notwithstanding the following Sign Provisions, Tenants may utilize standard corporate logos and/or prototypical signage graphics, if used in a majority of the Tenant's California stores subject to approval of the City of Lodi;

(3) All signage on the building fascia, with exception of certain logo/graphics, shall be of indirectly lit individual channel letters or dimensional letters in accordance with the definitions below. No cabinet signs shall be permitted. Signage illumination shall not include flashing, moving or scintillating effects;

(4) Channel letters are to be defined as individual channel letters or as connected channels that may be composed of script letters with connected serifs, or an non-script letters that are connected by heavy outlines into an integrated shape or "channel box". Secondary channel boxes containing a logo mark or underlining the primary text and containing a secondary message shall be permitted. Illumination may be with either LEDs or neon;

(5) Dimensional letters are to be made of ½" thick clear acrylic or 1-1/2" thick aluminum;

(6) All signs must be dimensional. Signs painted directly onto the building shall not be permitted;

Signs

(7) Painted wall graphics or murals that are thematic to the overall shopping center and do not provide any specific tenant identification shall be allowed subject to prior approval by the City of Lodi. The thematic wall graphics or murals shall be counted as signs or sign area with respect to the building on which graphic or mural is painted;

(8) Signs may not come within one foot of the top, bottom or sides of the building elevation or fascia upon which a sign is located. In no case may a sign extend beyond the roof parapet or adjacent building eave line. Signs are not allowed on or against any roof structures. Architectural tower features on buildings may be considered for tenant identification signs subject to specific sign design approval by the City of Lodi;

(9) Exposed channel letter raceways are prohibited. All channel letter signs must be mounted directly to the building surface or be mounted upon a decorative architectural background feature subject to specific sign design approval by the Landlord and the City of Lodi;

(10) Tenant signs will be no larger than 75% of fascia height, with a maximum width of 75% of tenant's frontage;

(11) All signs are to be laid out so as to be proportionate to the area in which it is placed, as well as comply with the square footage limitations. They should also be centered at the appropriate location on the elevation so it would be balanced with the buildings as a whole. (Not necessarily centered on the Tenant space.);

(12) Each tenant may have signage upon the front and rear elevations subject to size area limitations. End cap tenants may also have signage on their side elevations subject to size area limitations. Pad tenants may have signage on all elevations facing a public street or parking area subject to the size area limitations;

(13) Colors shall be consistent with the theme of the shopping center;

(14) Temporary wall signs, pennants, flags, over-roof signs, inflatable displays, exposed neon, or sandwich boards are prohibited. Temporary banners advertising specials or sales may be allowed in accordance with City Code; and

(15) Window signs, other than the Permanent Window Graphics will not be allowed. These signs include neon signs, fiber optic/neon simulated plastic signs and border neon.

b. Free-standing signs. The design of the multi-tenant pylon signs, multi-tenant monument signs and center identification monument sign shall be commensurate with the architecture of the shopping center.

(1) Freeway Information Area Signage

(a) One (1) pylon sign, no higher than 65 feet shall be permitted along the freeway frontage. The sign shall identify multiple tenants within the shopping center; and

(b) The pylon sign shall have a maximum of 720 square feet of tenant identification and 32 square feet of shopping center identity.

(2) Center Identification Sign. One (1) Center identification sign, no higher than 8 feet, shall be permitted. The sign shall be a single-sided, identifying the entrance to the Center. No tenant names shall be displayed on the identification sign.

(3) Monument Signs.

(a) One multi-tenant monument sign, no higher than 12 feet, shall be permitted. A shopping center of 10 acres or more may have two monument signs. These signs may have two-sided panels to identify multiple tenants within the chopping center; and

(b) The monument signs shall have a maximum of 84 square feet of tenant identification and 8 square foot of shopping center identity.

c. Tenant Signage. The sign program regulates the total allowed signage each tenant may have, based upon the frontages of each store. Tenant signage shall not exceed the total allowed maximum signage per tenant.

(1) Tenants shall be allowed 2 square feet of signage per lineal foot of frontage for the front elevation and 2 square feet of signage x 75% per lineal foot of frontage for side (end caps) and rear elevations;

(2) The signs may either be internally illuminated plex-faced channel letters or halo illuminated fabricated aluminum reverse pan channel letters; and

(3) Single pad tenants shall be allowed one wall sign per each business frontage facing a street, pedestrian plaza and/or parking lot. The total allowed sign area shall be 2 square feet of signage per lineal foot of frontage for the front elevation and 2 square feet of signage x 75% per lineal foot of frontage for side and rear elevations.

3. GC and industrial districts. Each sign within the GC and industrial zoning districts shall comply with the following standards.

a. Size and type of signs allowed. A parcel in the GG or an industrial zoning district may be permitted signs as follows, provided that no sign shall exceed an area of 480 square feet.

(1) An individual business adjacent to a public street or streets is allowed one square foot of sign area for each linear foot of street frontage.

(2) An individual business that shares street frontage with other businesses (e.g., within a single building) is allowed one square foot of sign area for each linear foot of building frontage.

(3) An individual business located on a corner (i.e., with building frontage or street frontage on two sides) is allowed 75 percent of the ratio of two square feet of sign area for each linear foot of street frontage.

b. Size and type of signs - Parcels with four or more businesses. Parcels under one ownership that contain four or more businesses may be permitted one freestanding sign in addition to the signs permitted by Subsection B.3.a, provided that the sign shall not:

(1) Exceed 300 square feet in area. 150 square feet of the total sign area may be used for individual identification signs uniform in size, shape, and lettering; and

(2) Contain a reader board.

c. Off-premises signs. Off-premises signs are prohibited, with the exception of those that legally existed prior to the adoption of this Development Code.

d. Setback requirements. Each sign shall be set back at least two feet from the property line.

e. Height limit. No sign shall exceed the following height limits, as applicable.

(1) Building-mounted signs. A building-mounted sign shall not exceed the height limit of the building or 35 feet, whichever is less.

(2) Freestanding signs. A freestanding sign shall not exceed the height of the tallest building on the site;

(3) Freeway information area.

(a) A freeway information (FI) area is established to include an area bounded: on the west by a line drawn 50 feet west of the west right-of-way line or Cherokee Lane or 500 feet west of the west right-of-way line of the U.S. Highway 50-99 freeway, whichever is greater; and on the east by a line drawn 500 feet east of the east right-of-way line of the U.S. Highway 50-99 freeway; and on the north and south by the then-current City limits.

(c) A sign within the FI area shall not exceed a height of 75 feet.

4. O district. Each sign within the O zoning district shall comply with the following standards.

a. Size and type of signs allowed.

(1) Signs shall not exceed one square foot of sign area for each two linear feet of street frontage, up to a maximum sign area of 200 square feet. The maximum allowable area of signs for an office use located on a corner parcel shall be calculated by using 75 percent of the length of the total street frontage;

(2) The size, location, and design of the sign is visually complementary and compatible with the size and architectural style of the primary structures on the site, any prominent natural features of the site, and structures and prominent natural features on adjacent properties on the same street; and

(3) No sign shall be lighted so that light shines on neighboring properties.

b. Setback requirements. Each sign shall be set back at least ten feet from the property line.

c. Height limit. No building mounted sign shall exceed a height of 20 feet. No freestanding sign shall exceed a height of 8 feet, sign plus base.

Signs

C. Mixed Use zoning district sign standards. The regulation of the location, size, type and number of signs permitted shall be governed by the provisions of this Section.

1. Downtown Mixed Use and Mixed Use Center Districts. Each sign within the DMU and MCE zoning districts shall comply with the following standards.

Signs must be more than just a way to relay information; they must be an architectural extension of a building. The objective of the standards and guidelines is not to create uniformity, but to eliminate those elements that result in a cluttered and unattractive physical environment. Few outward features of a business display the owner's confidence and quality as well as signage. These basic parameters provide for creative signs that may still be as varied and different as the businesses they represent.

a. Permitted Sign Types

(1) Flush-Mounted or Painted Wall Signs. Cabinet "canned" signs shall be prohibited.

(2) Projecting Signs – provided:

(a) They leave no less than eight (8') clear above the finished grade, and extend no more than four (4) feet out from the wall;

(b) They are not mounted above the first floor:

(3) Awning and Canopy Signs - Awnings are primarily for shade and secondarily a sign location. Letters and graphics are limited to vertical surfaces and shall not exceed fifty percent (50%) of the surface area. Internally illuminated vinyl awnings are not permitted.

(4) Free Standing Signs - Pole-mounted and/or other forms of free standing signs shall not be permitted in the downtown district. Exceptions, subject to City review are:

(a) Directory signs or kiosks - These may be considered for sidewalk locations; those for private arcades or buildings should be on private property, located in publicly accessible courts, accessways, or passages.

(b) Portable signs - Menu boards for restaurants, etc. provided they are stored indoors after hours of operation and not placed to obstruct the public sidewalk.

b. Sign Size

(1) Building Mounted Signs - The maximum area for each permitted sign type or any combination thereof shall be one (1) square foot per one (1) linear foot of tenant street frontage. Maximum sign length shall not exceed seventy-five percent (75%) of the tenant space frontage.

(2) **Free Standing Signs** - Per City review.

c. Exemptions

(1) **Temporary Signs** - limited to sales and or/special events, and temporary construction signs, limited to a length of time not to exceed thirty (30) days per calendar year.

(2) **Permanent Signs** - in addition to those permitted above shall be limited to:

(a) Existing built-in signs that are integral to the building design.

(b) Painted window signs that cover a maximum of twenty-five percent (25%) of the window area.

(c) Any sign identifying hours of operation that have an area of less than three (3) square feet.

d. **Sign Maintenance** - High levels of maintenance are essential if investment in the downtown is to be encouraged. Because signs are meant to be seen, maintenance is especially important.

(1) **Paint** - Signs shall be retained in good condition, with touch-up or repainted as needed. Peeling paint should be replaced promptly.

(2) **Repair** - Damaged signs and poles shall be repaired promptly or removed.

(3) **Illumination** - Bulbs and fixtures shall be replaced promptly if they burn out or are broken.

(4) **Awnings** - Awnings that are damaged and/or faded shall be repaired or replaced promptly.

e. Architectural Compatibility

A building's architectural style and overall proportions should guide the design of signs. Signs should be located on the facade in areas designed for this function; e.g. a recessed or framed area between the first and second floor, or a parapet panel between shopfront and roofline.

f. Sign Types:

(1) **Flush-Mounted and Painted Wall Signs** - should align with major architectural elements, such as doors and windows. Ornamental elements, such as moldings, pilasters, arches, clerestory windows, roof eaves, or cornice lines should be used as a frame.

Signs

(a) **Relationship to Cornice or Roof Line -** Signs should not extend above the cornice line or into or above roof areas, unless they function as an integral part of the roof design. For example:

- A sign board may extend above the cornice line of an otherwise flat-topped building if it is designed as a parapet in keeping with the style of the rest of the building.
- A sign board may extend above an existing parapet, if it is located to function as an accent to the basic parapet design.

(2) Projecting Signs

(a) **Proportion -** Projecting signs with vertically-oriented messages should be slender in appearance, with a proportion of at least 2:1, height to width. Projecting signs with horizontally-oriented messages may be rectangular or square; if located below an awning or canopy as a hanging "blade" sign, they should also be slender, proportioned 2:1 width to height.

(b) **Structural support -** should be an attractive addition to the overall design of the sign and/or building. Ornamental metal is recommended. Wooden supports are also appropriate if designed to complement the sign; however, undetailed, standard-size lumber should not be used.

(c) **Relationship to cornice or roof line -** Projecting signs should not extend above the cornice line or into the roof area, unless they are an integral part of a completely new facade design or a faithful accent to existing architectural details or forms. Projection signs should not extend above the eave line of a sloped roof.

(3) Awning and Canopy Signs:

(a) **Color -** combinations for awning or canopy signs should be simple. Lettering color and background color should contrast for legibility. Subtle bands of color are appropriate for awnings; more complex patterns or textures should generally not be used.

(b) **Location of message: awnings -**Lettering should not appear on the sloped or curved portion. Information may be located on the valance (the front vertical portion).

(c) **Location of message: canopies -** Signs on canopies should be in the form of letters or a signboard integrated with the canopy fascia, or freestanding letters mounted on top and extending above the fascia.

(4) Other Sign Types:

(a) **Figurative signs -** shaped to reflect the silhouette of a particular object (for example, a key, a coffee cup, etc.) are encouraged. These may be wall-mounted or projecting, but should reflect guidelines for the specific type of sign as listed above.

(5) **Not Allowed:**

(a) **"Canned" signs** - are internally illuminated plastic panels within a sheet metal box enclosure. They should not be used. Inexpensive canned signs use a limited range of colors and lettering types, and tend to have no relationship to the architecture of the building.

(b) **Illuminated vinyl awning signs** - are more appropriate for "commercial strip areas" and shall not be used.

g. Materials - Recommendations are:

(1) **Signboards -** of wood or metal, with painted or engraved letters, or mounted letters of wood or metal.

(2) **Silhouette or figurative signs** - three-dimensional letters, symbols, and/or ornamental figures made of wood or metal.

(3) **Custom neon** - exterior-mounted on a signboard or metal support frame or enclosure, or interior-mounted behind clerestory or display windows.

(4) **Fabric awnings -** such as canvas with painted or applied lettering; plastic or vinyl awnings should not be used.

h. Lighting - Recommendations are:

(1) **Backlit** - with lighting inside and behind projecting lettering.

(2) **Top or bottom lit** - with single or multiple spotlights.

2. Mixed Use Corridor District. Each sign within the MCO zoning district shall comply with the following standards.

a. General Specifications and Requirements. Signs within the MCO zoning district shall comply with the General Specifications and Requirements identified in Development Code Section 17.34.060.B.1.a.

b. Free-standing signs. The design of the multi-tenant pylon signs, multi-tenant monument signs and center identification monument sign shall be commensurate with the architecture of the development.

Signs

(1) **Center Identification Sign.** One (1) Center identification sign, no higher than 8 feet, shall be permitted. The sign shall be a single-sided, identifying the entrance to the Center. No tenant names shall be displayed on the identification sign.

(2) **Monument Signs.**

(a) One multi-tenant monument sign, no higher than 12 feet, shall be permitted. A shopping center of 10 acres or more may have two monument signs. These signs may have two-sided panels to identify multiple tenants within the chopping center; and

(b) The monument signs shall have a maximum of 84 square feet of tenant identification and 8 square foot of shopping center identity.

c. **Tenant Signage.** The sign program regulates the total allowed signage each tenant may have, based upon the frontages of each store. Tenant signage shall not exceed the total allowed maximum signage per tenant.

(1) Tenants shall be allowed 2 square feet of signage per lineal foot of frontage for the front elevation and 2 square feet of signage x 75% per lineal foot of frontage for side (end caps) and rear elevations;

(2) The signs may either be internally illuminated plex-faced channel letters or halo illuminated fabricated aluminum reverse pan channel letters; and

(3) Single pad tenants shall be allowed one wall sign per each business frontage facing a street, pedestrian plaza and/or parking lot. The total allowed sign area shall be 2 square feet of signage per lineal foot of frontage for the front elevation and 2 square feet of signage x 75% per lineal foot of frontage for side and rear elevations.

Signs

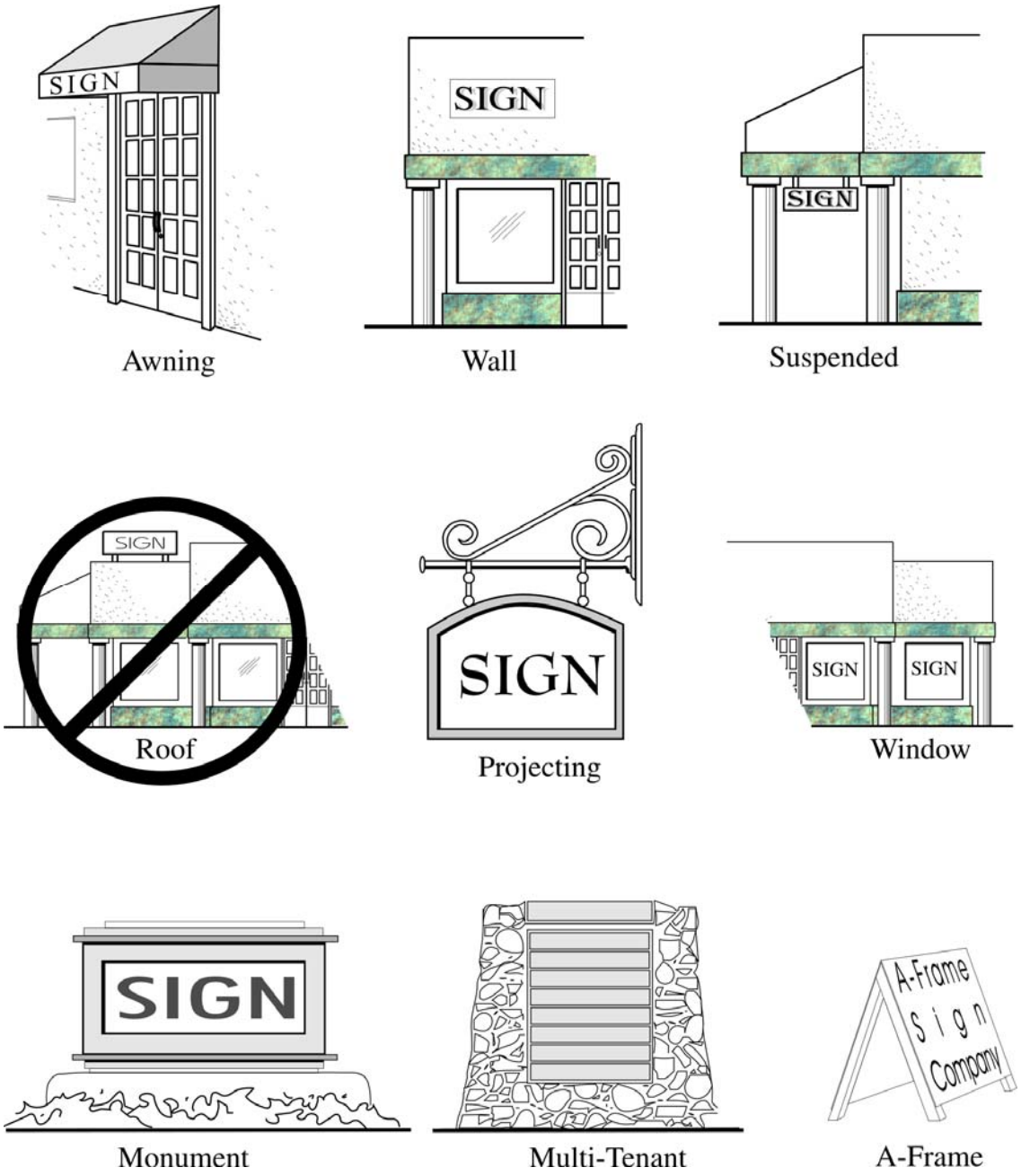


Figure 3-11 Examples of Sign Types

17.34.070 - Standards for Specific Types of Signs

Proposed signs shall comply with the following standards where applicable, in addition to the sign area and height limitations, and other requirements of Section 17.34.060 (Zoning District Sign Standards), and all other applicable provisions of this Chapter.

A. Awning signs. The following standards apply to awning signs in all zoning districts where allowed by Section 17.34.060 (Zoning District Sign Standards).

1. Signs on awnings are limited to ground level and second story occupancies only.

2. Awnings shall not be internally illuminated. Indirect lighting may be allowed. Translucent awning materials are prohibited.

3. Awnings are primarily for shade and secondarily a sign location. Letters and graphics shall be limited to vertical surfaces and shall not exceed 50 percent of the surface area. Internally illuminated vinyl awnings are not permitted.

B. Freeway-adjacent outdoor advertising signs.

1. **Definitions.** For the purposes of this Subsection, the terms "advertising structure," "advertising display," "freeway," "highway," "landscaped freeway," "person," "sign," and "to place" shall be defined in compliance with Business and Professions Code Section 5200 et seq. (the California Outdoor Advertising Act).

2. **Prohibited for freeway viewing.** No advertising display shall be placed or maintained on property adjacent to a freeway regardless of the applicable zoning district if the advertising display is designed to be viewed primarily by persons traveling on the freeway.

3. **Exemptions.** The prohibition in Subsection C.2 shall not apply to advertising displays or structures placed upon property for the purpose of advertising the sale or lease of the property upon which the sign is placed.

4. **Size.** The advertising display or structure shall be not exceed 480 square feet.

C. Projecting signs. Projecting signs shall comply with the following standards.

1. **Proportion** - Projecting signs with vertically-oriented messages should be slender in appearance, with a proportion of at least 2:1, height to width. Projecting signs with horizontally-oriented messages may be rectangular or square; if located below an awning or canopy as a hanging "blade" sign, they should also be slender, proportioned 2:1 width to height.

2. **Structural support** - should be an attractive addition to the overall design of the sign and/or building. Ornamental metal is recommended. Wooden supports are also appropriate if designed to complement the sign; however, undetailed, standard-size lumber should not be used.

3. **Relationship to cornice or roof line** - Projecting signs should not extend above the cornice line or into the roof area, unless they are an integral part of a completely new facade design or a faithful accent to existing architectural details or forms. Projection signs should not extend above the eave line of a sloped roof.

D. Temporary signs. Temporary signs are allowed in all zoning districts subject to the following requirements. Temporary signs include banner signs.

1. **On-site signs.**

   a. **Maximum area and height.** Sign area shall not exceed six square feet and sign height shall not exceed 48 inches.

   b. **Number.** No more than one temporary on-site sign shall be placed on any parcel.

c. **Duration.** No temporary sign shall be in place for more than 30 days, and after removal, the site shall be free from temporary signs for a minimum of 30 days.

E. Window signs. The following standards apply to window signs in all zoning districts where allowed.

1. Window signs shall be allowed only on windows located on the ground level and second story of a building frontage.

2. Permanent and temporary signs shall not occupy more than 20 percent of the total window area.

3. Signage shall consist of individual letters, logos, or symbols applied to the glass surface; however, neon signs with transparent backgrounds may be hung inside the window glass line.

F. Programmable Electronic Signs. The following standards apply to Programmable Electronic Signs:

1. Programmable Electronic Signs are only permitted upon the issuance of a Use Permit by the Planning Commission. As part of the Use Permit review, the Planning Commission shall consider the following:

   a. Area of programmable electronic signage;

   b. Location of programmable electronic signage;

   c. Height of programmable electronic signage;

   d. Intensity of light due to programmable electronic signage; and

   e. Frequency of message change on the Programmable Electronic Sign.

2. Programmable Electronic Signs shall comply with the size, location, and height requirements of the underlying zoning district.

3. Programmable electronic signs shall be limited to one-third (1/3) the area of the sign to which it is permitted to be attached.

4. The content of Programmable Electronic signs shall be limited to non-commercial or on-site commercial messages, in any combination, but may not be used for off-site commercial messages.

17.34.080 - Exceptions to Sign Area Standards

The Director or other applicable Review Authority may grant an administrative deviation to the allowed area of a sign in compliance with Section 17.40.050 (Variations and Administrative Deviations) if it is first determined that:

A. The position or setback of the building on the site requires additional area for effective signing. The exception may increase the allowed sign area by up to 25 percent; or

B. The exceptional size of the structures, uses, or site requires additional sign area for effective identification from major approaches to the site. The exception may increase the allowed sign area by up to 25 percent; or

C. The name of the business or use to be identified is exceptionally long, so that sign readability would be impaired by crowding words into the allowable sign area. The exception may increase the allowed sign area by up to 25 percent; or

D. Signing proposed is indistinguishable from the architecture itself (supergraphic design) or achieves the level of sculptural art.

17.34.090 - Sign Maintenance

All signs within the City shall be maintained in good condition and repair, as follows.

A. Awnings. Awnings that are damaged and/or faded shall be promptly repaired or replaced.

B. Illumination. Bulbs and fixtures shall be promptly replaced if they burn out or are broken.

C. Paint. The paint on each sign shall be maintained in good condition, with touch-up or repainting as needed. Peeling paint should be promptly replaced.

D. Repair. A damaged sign and/or pole shall be promptly repaired, or removed from the site.

17.34.100 - Nonconforming Signs

A nonconforming sign is any permanent or temporary sign that was legally established and maintained in compliance with the provisions of all applicable laws in effect at the time of original installation but that does not now comply with the provisions of this Development Code.

A. General requirements. A nonconforming sign may not be:

1. Changed to another nonconforming sign;
2. Structurally altered to extend its useful life;
3. Expanded;
4. Re-established after a business is discontinued for 60 days; or
5. Re-established after damage or destruction to 50 percent or more of the value of the sign, or its components, as determined by the Building Official.

B. Abatement. Signs not conforming to the provisions of this Chapter shall be brought into compliance or removed upon the following circumstances:

1. Abandonment. Any discontinuance or abandonment of a nonconforming sign shall result in a loss of legal nonconforming status of the sign.

2. Modification. Any proposed modification to the non-conforming sign structure or copy shall result in a loss of legal nonconforming status of the sign.

17.34.110 - Violations and Abatement

Signs

A. Public nuisance declared by Director. Any sign erected or maintained contrary to the provisions of this Chapter may be declared to be a public nuisance by the Director and proceedings for its removal may take place in compliance with Chapter 17.76 (Enforcement).

B. Removal of abandoned sign, sign shell, and support structures. A sign, sign shell, and support structures shall be removed by the owner or lessee of the premises upon which the sign is located when the business that it advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign and sign shell, the Director shall give the owner 30 days written notice to remove it. Upon failure to comply with the notice, the Director may have the sign removed at the owner's expense. Proceedings for the removal of signs and/or support structures shall comply with Chapter 17.76 (Enforcement).

17.34.120 - Judicial Review

Any permit issued or denied in compliance with this Chapter shall be subject to expedited judicial review in accordance with the time limits set forth in Code of Civil Procedure Section 1094.8 et seq.

17.34.130 - Sign Design Guidelines

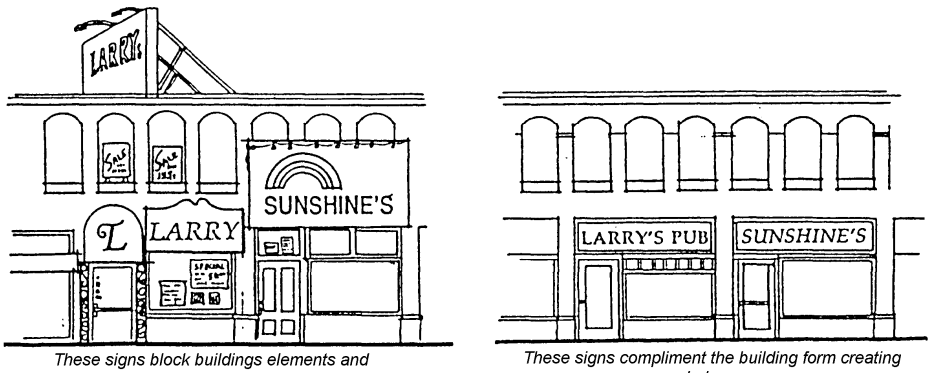
The following guidelines should be considered in the design of all signs within Lodi. These guidelines are intended to complement other requirements in the previous Sections of this Chapter.

A. Design compatibility

1. **Creative design encouraged**. Signs should make a positive contribution to the general appearance of the street and commercial area in which they are located. A well-designed sign can be a major asset to a building.

2. **Proportionate size and scale.** The scale of signs should be appropriate for the building on which they are placed and the area in which they are located. The size and shape of a sign should be in proportion with the scale of the structure.

3. **Integrate signs with the building**. Signs should not obscure architectural features. Their design should be integrated with the design of the building. A well-designed building facade or storefront is created by the careful coordination of sign and architectural design and over-all color scheme. Signs in multiple tenant buildings should be designed to complement or enhance the other signs in the building.



These signs block buildings elements and create a chaotic image.

These signs compliment the building form creating a more orderly appearance.

Signs

Figure 3-12 - Design Compatibility

4. **Reduce sign impact.** Because residential and commercial uses generally exist in close proximity, signs should be designed and located so that they have little or no impact on adjacent residential neighborhoods.

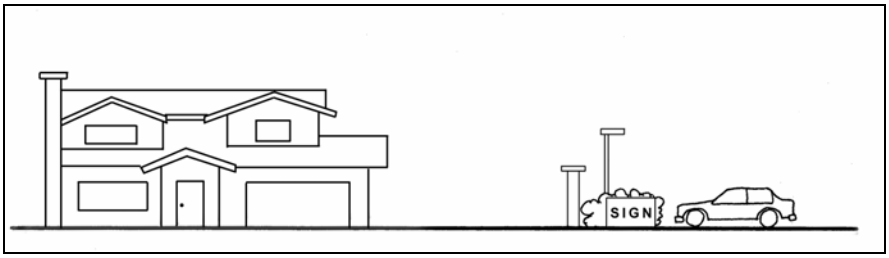


Figure 3-13- Reduce Sign Impact

5. **Sign placement.** Place wall signs to establish facade rhythm, scale and proportion where facade rhythm does not otherwise exist. On buildings that have a monolithic or plain facade, signs can establish or continue appropriate design rhythm, scale, and proportion.

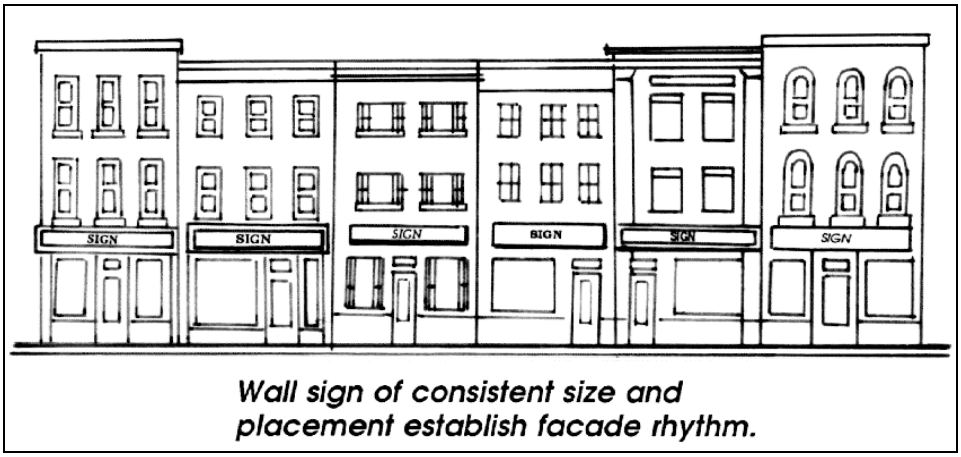


Figure 3-14 - Sign Placement

6. **Pedestrian-oriented signs are encouraged.** It is desirable and encouraged to include a pedestrian-oriented sign as one of the permitted signs for a business. Pedestrian-oriented signs are signs that are designed for and directed toward pedestrians so that they can easily and comfortably read the sign as they stand adjacent to the business.

7. **Use individual letters.** As an alternative to an attached sign, lettering may be painted directly on the building facade. However, signs should not be painted directly over ornamental and architectural features or over brick and stone surfaces of buildings.

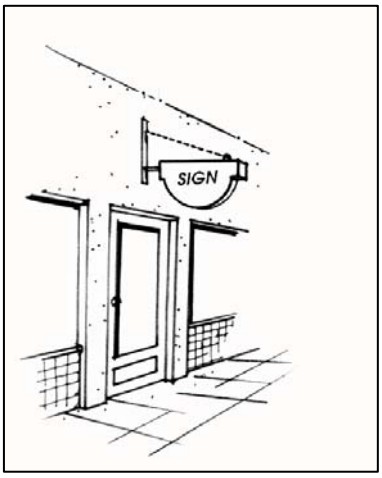


Figure 3-15 – Pedestrian-oriented sign

B. Color

1. **Select colors carefully.** Color is one of the most important aspects of visual communication C it can be used to catch the eye or to communicate ideas or feelings. Colors should be selected to contribute to legibility and design integrity. Even the most carefully thought out sign may be unattractive and a poor communicator because of poor color selection. Too many colors used thoughtlessly can confuse and negate the message of a sign.

2. **Use contrasting colors.** Contrast is an important influence on the legibility of signs. A substantial contrast should be provided between the color and material of the background and the letters or symbols to make the sign easier to read in both day and night. Light letters on a dark background or dark letters on a light background are most legible.

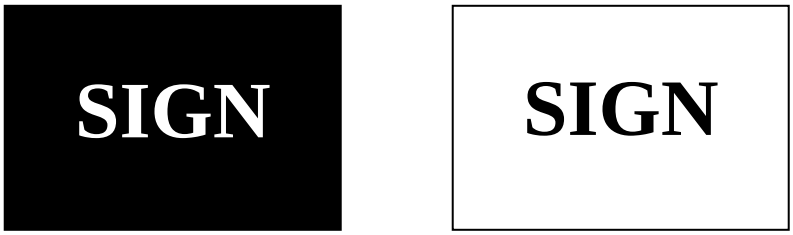


Figure 3-16 Contrasting Letters and Background

3. **Avoid using too many colors**. Colors or color combinations that interfere with legibility of the sign copy or that interfere with viewer identification of other signs should be avoided. Small accents of several colors may make a sign unique and attractive, but the competition of large areas of many different colors often decreases readability.

4. **Use complementary colors.** Sign colors should complement the colors used on the structures and the project as a whole.

C. Materials

1. **Sign materials.** The following sign materials are recommended:

   a. Wood (carved, sandblasted, etched, and properly sealed, primed and painted, or stained).

   b. Metal (formed, etched, cast, engraved, and properly primed and painted or factory-coated to protect against corrosion).

   c. High density pre-formed foam or similar material. New materials may be very appropriate if properly designed in a manner consistent with these guidelines, and painted or otherwise finished to compliment the architecture.

   d. Custom neon tubing, in the form of graphics or lettering, may be incorporated into several allowed sign types.

2. **Compatibility of materials.** Sign materials should be compatible with the design of the face of the facade where they are placed. The selected materials should contribute to the legibility of the sign. For example, glossy finishes are often difficult to read because of glare and reflections.

3. **Appropriate materials.** Paper and cloth signs are not suitable for exterior use (except on awnings) because they deteriorate quickly. Paper and cloth signs are appropriate for interior temporary use only. The use of interior signs on paper or cloth should be the result of careful thinking about readability and the image of the business.

D. Sign Legibility

An effective sign should do more than attract attention, it should communicate a message. Usually, this is a question of the readability of words and phrases. The most significant influence on legibility is lettering.

1. **Pedestrian-oriented signs.** Make signs smaller if they are oriented to pedestrians. The pedestrian-oriented sign is usually read from a distance of fifteen to twenty feet; the vehicle-oriented sign is viewed from a much greater distance. The closer a sign's viewing distance, the smaller that sign need be. See the Table 3-4.

TABLE 3-4 - LETTERING SIZE FOR PEDESTRIAN-ORIENTED SIGNS

Minimum Character Size (inches)	Intended Reading Distance (feet)
3.5	60
4.0	70
4.5	80
5.0	90
5.5 to 6.0	100

2. **Use a brief message.** A brief message should be used whenever possible. The fewer the words, the more effective the sign. A sign with a brief, succinct message is easier to read and looks more attractive. Evaluate each word. If the word does not contribute directly to the basic message of the sign, it detracts from it and probably should be deleted.

3. **Space letters and words carefully.** Letters and words should not be spaced too closely. Crowding of letters, words or lines will make any sign more difficult to read. Conversely, over-spacing these elements causes the viewer to read each item individually, again obscuring the message. As a general rule, letters should not occupy more than 75 percent of sign panel area.

4. **Use symbols and logos.** Symbols and logos can be used in place of words wherever appropriate. Pictographic images will usually register more quickly in the viewer's mind than a written message.

Signs

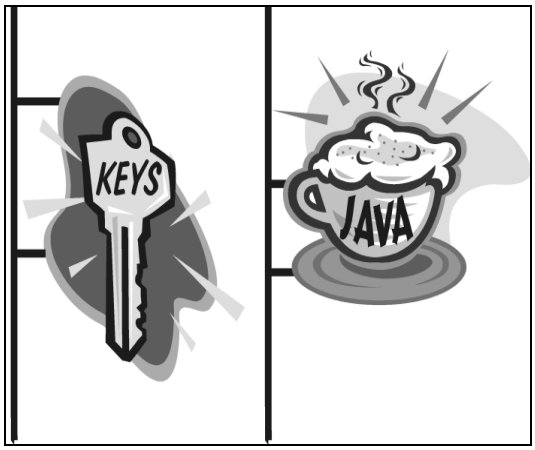


Figure 3-17
Use of Symbols/Logos

Figure 3-18
Letter Spacing

5. **Limit the number of letter styles.** The number of lettering styles should be limited in order to increase legibility. A general rule to follow is to limit the number of different letter types to no more than two for small signs and three for larger signs. Intricate typefaces and symbols that are difficult to read reduce the sign's ability to communicate.

E. Sign Illumination

The possible illumination of a sign should be carefully considered. Like color, illumination can provide more effective visual communication, or can confuse the message. Imaginative and innovative lighting techniques for signs are encouraged.

1. **Use illumination only if necessary.** Consider if the sign needs to be lighted at all. Lights in the window display may be sufficient to identify the business. This is particularly true if good window graphics are used. Often, nearby street lights provide ample illumination of a sign after dark.

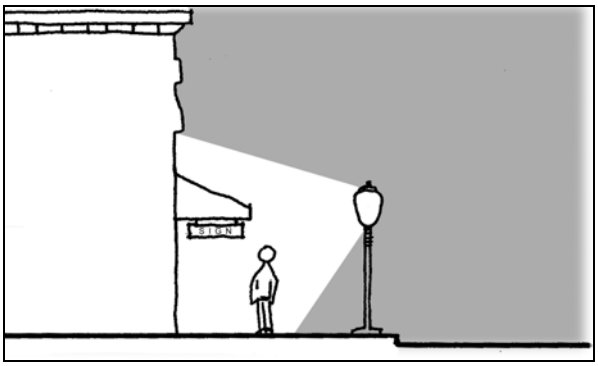


Figure 3-19 Use of Existing Illumination

2. **Use a direct light source.** If the sign can be illuminated by a direct source of light (e.g., spotlight), this is usually the best arrangement because the sign will appear to be better integrated with the building's architecture. Light fixtures supported in front of the structure cast light on the sign and generally a portion of the face of the structure as well. Direct lighting emphasizes the continuity of the structure's surface, and signs become an integral part of the

facade. Direct lighting is also appropriate because it produces a more intimate ambiance on the street. The lighting of signs should be considered as an element in a building's overall lighting design.

3. **Shield the light source.** Whenever direct lighting fixtures are used (fluorescent or incandescent), care should be taken to properly shield the light source to prevent glare from spilling over into residential areas and any public right-of-way. Signs should be lighted only to the minimum level required for nighttime readability.

4. **Back-lighted signs.** Back-lighted, solid letters are encouraged. Signs consisting of opaque individually cut letters mounted directly on a structure (push-through letters) can often use a distinctive element of the structure's facade as a backdrop, thereby providing a better integration of the sign with the structure.

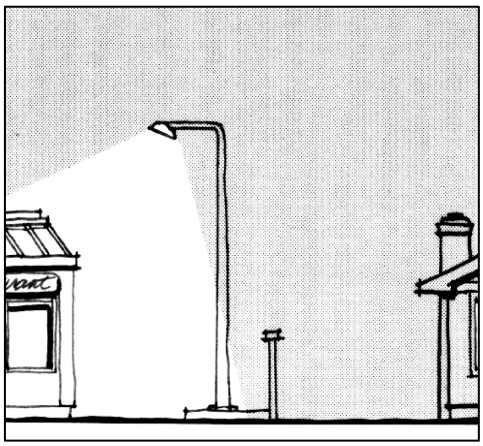


Figure 3-20 Shielded Light Source

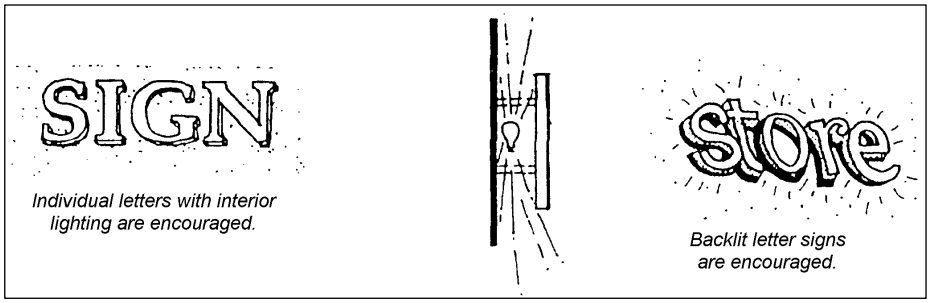


Figure 3-21 Back-Lighted Signs

CHAPTER 17.36 - STANDARDS FOR SPECIFIC LAND USES

Sections:

17.36.010 - Purpose of Chapter
17.36.020 - Applicability
17.36.030 - Child Day Care Facilities
17.36.040 - Residential Care Facilities and Senior Apartments
17.36.050 - Residential Density Bonus
17.36.060 - Home Occupations
17.36.070 - Mobile Home Parks
17.36.080 - Outdoor Display and Retail Activities
17.36.090 - Outdoor Storage
17.36.100 - Recreational Vehicle Parks
17.36.110 - Recycling Facilities
17.36.120 - Residential Accessory Uses and Structures
17.36.130 - Second Dwelling Units
17.36.140 - Telecommunications Facilities

17.36.010 - Purpose of Chapter

This Chapter provides site planning and development standards for land uses that are allowed by Article 2 (Land Use and Development Standards) in individual or multiple zoning districts, and for activities that require special standards to mitigate potential impacts.

17.36.020 - Applicability

Land uses and activities covered by this Chapter shall comply with the provisions applicable to the specific use, in addition to all other applicable provisions of this Development Code.

A. Where allowed. The uses that are subject to the standards in this Chapter shall be located in compliance with the requirements of Article 2 (Land Use and Development Standards).

B. Land use permit requirements. The uses that are subject to the standards in this Chapter shall be authorized by the land use permit required by Article 2, except where a land use permit requirement is established by this Chapter for a specific use.

17.36.030 – Child Day Care Facilities

This Section provides location and operational standards for child day care facilities, in compliance with State law and in a manner that recognizes the needs of child care operators and minimizes effects on adjoining properties. These standards apply in addition to the other provisions of this Development Code and the requirements of the California Department of Social Services. Licensing by the Department of Social Services is required for all facilities.

The establishment of a child day care facility shall comply with Article 2 (Land Use and Development Standards), and the following criteria and standards.

A. Small family day care homes (8 or fewer children). Allowed within a single-family residence located in a residential zoning district.

B. Large family day care homes (9 to 14 children). Allowed within a single-family residence located in a residential zoning district subject to a Minor Use Permit. The review of the Minor Use Permit will be based upon compliance with the following standards:

1. The facility shall comply with all applicable State and fire codes.

2. Location requirements. A separation of 300 feet shall be required from any other large family day care home.

3. Fencing. A six-foot high fence or wall shall be constructed on all property lines or around the outdoor activity areas, except in the front yard or within a traffic safety visibility area.

4. Noise standards. The facility shall not exceed City noise limits as established by the City's General Plan.

5. Outdoor lighting. On-site exterior lighting shall be allowed for safety purposes only, shall consist of low wattage fixtures, and shall be directed downward and shielded.

6. Parking. Parking shall be provided in compliance with Chapter 17.32 (Parking Standards).

7. Swimming pools/spas prohibited. No swimming pool/spa shall be installed on the site after establishment of the family day care center, due to the high risk and human safety considerations. Any pool/spa existing on the site prior to application for approval of a family day care center shall be removed prior to establishment of the use, unless the Director determines that adequate, secure separation exists between the pool/spa and the facilities used by the children.

C. Child day care centers (15 or more children). Allowed in the zoning districts determined by Article 2 (Land Use and Development Standards), subject to Use Permit approval, in compliance with Section 17.40.040 and the following standards:

1. Standards for child day care centers. The following standards shall apply to child day care centers.

a. Size. The minimum parcel size for a child day care center shall be 10,000 square feet;

b. Parking. Off-street parking shall be as determined through Use Permit approval, but shall be a minimum of one space per employee, plus one space for each five children.

c. Pick-up and Drop-off zone. A safe area for picking up and dropping off children shall be provided. This activity shall only be allowed in a driveway, in an approved parking area, or in an area with direct access to the facility.

d. Noise. Potential noise sources shall be identified during the Use Permit process, and noise attenuation and sound dampening shall be addressed. Noise levels shall be in

compliance with the most recent guidelines of the Noise Element of the General Plan.

e. **Outdoor lighting.** On-site exterior lighting shall be allowed for safety purposes only, shall consist of low wattage fixtures, and shall be directed downward and shielded.

f. **Fencing.** A six-foot high fence or wall shall be constructed on all property lines or around the outdoor activity areas, except in the front yard or within a traffic safety visibility area.

g. **Alternative standards.** Alternatives to the standards of this Section may be authorized through the Use Permit approval if the review authority determines that:

(1) The intent of these standards is met; and

(2) There will be no detriment to surrounding properties or residents.

17.36.040 - Residential Care Facilities and Senior Apartments

A. **Applicability:** Residential care facilities shall be allowed as follows.

1. **Residential Care Facility with six or fewer residents.** Allowed within a single-family residence located in a residential zoning district.

2. **Residential Care Facility with seven or more residents.** Allowed as described in Article 2 (Land Use, General Development Standards, Design Guidelines) subject to a Use Permit. The review of the Use Permit will be based upon compliance with the following standards:

a. **Limitation on impacts.** The use shall not create impacts on surrounding properties neighborhoods that are no more significant than would be caused by standard multi-family rental projects.

b. **Parking reduction.** The review authority may grant a reduction in off-street parking requirements for a residential care facility, provided that the project shall include the following when a parking reduction is proposed:

(1) A minimum of five percent of the total indoor floor area shall be devoted to educational, recreational, and social facilities (e.g., library, multi-purpose common room, recreation room, TV room); and

(2) Common laundry facilities of sufficient number and accessibility, consistent with the number of living units.

c. **Location requirements.** A separation of 300 feet shall be required from any other residential care facility.

3. **Project changes.** If a residential care facility approved in compliance with this Section is changed to another use (for example, the project converts to a conventional unrestricted multi-family project), the project shall be modified to meet all applicable standards of this Development Code.

B. Senior apartments and independent living centers. Senior apartments and independent living centers are multi-family residential projects reserved for senior citizens, where common facilities may be provided (for example, recreation areas), but where each dwelling unit has individual living, sleeping, bathing, and kitchen facilities.

1. General design standards. Senior apartments and independent living centers shall comply with the provisions of Chapter 17.18 (Residential Zoning Districts), except as otherwise provided by this Section.

2. Off-street parking. Off-street parking shall comply with Chapter 17.32 (Off-Street Parking and Loading). The review authority may restrict the total number of resident cars to be parked on-site or designate specified on-site parking spaces for employee or visitor parking only.

3. Additional uses. Additional facilities, including skilled nursing and/or intermediate care facilities, and personal services (for example, beauty salon, physical therapy) may be allowed through Use Permit approval, without requiring additional parking, provided that these facilities shall only be for the private use of project residents.

17.36.050 - Residential Density Bonus

A. Purpose. The Residential Density Bonus provisions of this Code are adopted pursuant to the provisions of California Government Code Sections 65915-65918. The purpose of adopting this Chapter is to encourage affordable housing by providing the incentive of increased density and such other Incentives provided by this Chapter.

B. Definitions.

1. Approving Authority is as defined in this Development Code.

2. Child Care Facility means a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school-age child care centers.

3. Density Bonus means an increase in density over the otherwise maximum allowable residential density under the applicable general plan designation as of the date of filing of an application for Density Bonus with City.

4. Development Standard means the site, development, or construction standards and/or conditions of approval that apply to a residential development.

5. Housing Development means one or more groups of projects for residential units constructed within a Large Lot Parcel. For the purposes of this chapter, "Housing Development" also includes a subdivision or common interest development as defined in Section 1351 of the Civil Code and consists of residential units or unimproved residential lots.

6. Incentive means a reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission. An Incentive can be requested by the applicant for purposes of reducing the cost of development to make the project financially feasible. The term "Incentive" includes the term "concession" as that

term is used in California Government Code Section 65915-65918.

7. **Low Income** is defined as less than 80% of the area median income, as defined by Section 50079.5 of the California Health and Safety Code.

8. **Low Income Unit** is defined as a unit with an affordable rent or payment that does not exceed 30% of 60% of area median income adjusted for family size appropriate for the unit.

9. **Moderate Income** is defined as less than 120% of the area median income, as defined in Section 50093 of the California Health and Safety Code.

10. **Moderate Income Unit** is defined as a unit with an affordable rent or payment that does not exceed 35% of 110% of area median income adjusted for family size appropriate for the unit.

11. **Very Low Income** is defined as less than 50% of the area median income, as defined in Section 50105 of the California Health and Safety Code.

12. **Very Low Income Unit** is defined as a unit with an affordable rent or payment that does not exceed 30% of 50% of the area median income, adjusted for family size appropriate for the unit.

13. **Senior Citizen Housing Development** is defined as a housing project where residency is restricted to persons 62 years of age or older, or 55 years of age or older in a Senior Citizen Housing Development per Sections 51.3 and 51.12 of the California Civil Code.

C. Application Requirements

A Density Bonus may be approved pursuant to a request for approval of a Density Bonus, provided the request complies with the provisions of this Chapter. Each application for a density bonus request shall be accompanied by the following:

1. A site plan that identifies all units in the project including the location of the affordable units and the bonus units.

2. A narrative briefly describing the Housing Development and shall include information on:

   a. The number of units permitted under the General Plan,

   b. The total number of units proposed in the project,

   c. The number of affordable and/or senior units,

   d. The number of bonus units requested based on Table 3-5,

   e. A breakdown of units proposed for Very Low, Low, Moderate Income, Senior Citizen, and/or market rate units, and

   f. Any requested Incentive(s), including an explanation as to why the Incentive(s) is required for the Housing Development.

3. Information indicating that appropriate and sufficient infrastructure capacity is available to serve the Bonus Units.

4. Any such additional information in support of a request for a Density Bonus as may be requested by the Director.

D. Eligibility for Bonus

A developer of a Housing Development containing five or more units may qualify for a Density Bonus and at least one other Incentive as provided by this Chapter if the developer does one of the following:

1. Agrees to construct and maintain at least 5 percent of the units dedicated to Very Low Income households;

2. Agrees to construct and maintain at least 10 percent of the units dedicated to Lower Income households;

3. Agrees to construct and maintain at least 10 percent of the units in a common interest development (as defined in Section 1351 of the California Civil Code) dedicated to Moderate Income households, provided that all units in the development are offered to the public for purchase;

4. Agrees to construct and maintain a Senior Citizen Housing Development as defined in Section 17.36.040 of this Chapter;

5. Includes a qualifying Child Care Facility as described in Section 17.36.030 of this Chapter in addition to providing housing as described in items 1-3 of this Section.

E. Density Bonus Calculation and Allowance

1. State Law Preemption. Pursuant to State Law, the granting of a Density Bonus or the granting of a Density Bonus together with an Incentive(s) shall not be interpreted, in and of itself, to require a general plan amendment, specific plan amendment, rezone, or other discretionary approvals.

2. Density Bonus Calculation. An applicant must choose a Density Bonus from only one applicable affordability category in below Subsection 3 and may not combine categories with the exception of child care facilities, which may be combined with an affordable Housing Development, for an additional Density Bonus up to a combined maximum of 35 percent.

3. Density Bonus Allowance. In calculating the number of units required for Very Low, Low and Moderate Income households, the Density Bonus units shall not be included. In no event shall a Density Bonus exceed 35 percent. A Housing Development that satisfies all applicable provisions of this Chapter shall be allowed the Density Bonuses as described in Table 3-5:

TABLE 3-5

Density Bonus Category	Minimum Affordability Required	Density Bonus Permitted	Increase in Density Bonus Permitted
Very Low Income	At least 5% of the total units of a housing development are restricted for very low income households	20 to 35%	An additional 2.5% density bonus increase for each additional 1% increase in very low income units above the initial 5% threshold
Low Income	At least 10% of the total units of a housing development are restricted for low income households	20 to 35%	An additional 1.5% density bonus increase for each additional 1% increase in low income units above the initial 10% threshold
Moderate Income	At least 10% of the total dwelling units in a common interest development are restricted for persons/families of moderate income	5 to 35%	An additional 1% density bonus increase for each additional 1% increase in moderate income units above the initial 10% threshold
Senior	No affordability requirement	20%	No affordability requirement
Child Care	Incorporation of a child care facility as part of a project that is eligible for a density bonus	As determined by the Director	N/A

F. Eligibility and Application Requirements for Incentives

1. Available Incentives. A Housing Development qualifying for a Density Bonus may be entitled to at least one Incentive. Incentives may include, but are not limited to:

a. A reduction in site development standards such as:

(1) Reduced minimum lot sizes and/or dimensions;

(2) Reduced minimum lot setbacks;

(3) Reduced minimum outdoor and/or private outdoor living area;

(4) Increased maximum lot coverage;

(5) Increased maximum building height and/or stories;

(6) Reduced on-site parking requirements;

(7) Reduced street standards.

b. A reduction in architectural design requirements.

c. A Density Bonus greater than the amount required by this Chapter.

d. Other regulatory Incentives proposed by the developer or the City, which result in identifiable, financially sufficient, and actual cost reductions.

e. If an applicant qualifies for a Density Bonus pursuant to this Chapter, the applicant may request, in addition to any requested Incentive(s), that the a reduced parking requirement be applied to the project in place of the City's current parking requirements. The parking requirement is inclusive of handicapped and guest parking for the entire Housing Development, but shall not include on-street parking spaces in the count towards the parking requirement.

G. Child Care Facilities

1. Child Care Facility Density Bonus. When an applicant proposes to construct a Housing Development that is eligible for a Density Bonus under this Chapter and California Government Code Section 65917.5, and includes a Child Care Facility that will be located on the premises or adjacent to the Housing Development, the City shall grant either:

a. An additional Density Bonus that is an amount determined by the Director; or

b. An additional Incentive that contributes significantly to the economic feasibility of the construction of the Child Care Facility.

2. Child Care Facility Requirements. The City shall require, as a condition of approving the Housing Development, that the following occur:

a. 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 affordable units are required to remain affordable per this Chapter; and

b. Of the children who attend the Child Care Facility, the children of Very Low Income households, Low Income households or families of Moderate Income households shall equal a percentage that is equal to or greater than the percentage of affordable units in the Housing Development that are required for Very Low, Low or families of Moderate Income households.

3. Child Care Facility Criteria. The City shall not be required to provide a Density Bonus or Incentive for a Child Care Facility if it finds, based upon substantial evidence, that the community has adequate child care facilities.

H. General Guidelines

1. Location of Bonus Units. As required by California Government Code Section 65915(g), the location of Density Bonus units within the qualifying Housing Development may be at the discretion of the developer, and need not be in the same area of the project where the units for the Low Income households are located as long as the Density Bonus units are located within the same Housing Development.

2. **Infrastructure and Supply Capacity.** Criteria to be considered in analyzing the requested bonus will include the availability and capacity of infrastructure (water, sewer, storm drain, road capacity, etc.) and water supply to accommodate the additional density.

I. Findings for Approval for Density Bonus and or Incentive(s).

1. **Density Bonus Approval.** The following finding shall be made by the Approving Authority in order to approve a Density Bonus request:

   a. The Density Bonus request meets the requirements of this Chapter.

2. **Density Bonus Approval with Incentive(s).** The following findings shall be made by the Approving Authority in order to approve a Density Bonus and Incentive(s) request:

   a. The Density Bonus request meets the requirements of this Chapter;

   b. The Incentive is required in order to provide affordable housing; and

   c. Approval of the Incentive(s) will have no specific adverse impacts upon health, safety, or the physical environment or on any real property that is 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 Very Low, Low, and Moderate Income households.

3. **Denial of a Request for an Incentive(s).** The Approving Authority shall make the following findings prior to disallowing an Incentive (in the case where an accompanying Density Bonus may be approved, or in the case of where an Incentive(s) is requested for Senior Housing or Child Care Facility):

   a. That the Incentive is not necessary in order to provide for affordable housing costs or for rents for the targeted units to be set as specified in this Chapter.

   b. That the Incentive would result in specific adverse impacts upon health, safety, or the physical environment or on any real property that is 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 Very Low, Low, and Moderate Income households.

J. Affordable Housing Agreement Required.

1. **Agreement Required.** In approving a Density Bonus, the associated permit or tentative map shall require that an Affordable Housing Agreement, or other form of agreement as approved by the City Attorney, effectuating the terms of affordability of the development be executed prior to effectuation of the permit or recordation of the final map or issuance of a building permit.

2. **Continued Availability**. The Density Bonus request shall include the procedures proposed by the developer to maintain the continued affordability of all affordable income Density Bonus units and shall be evidenced by an Affordable Housing Agreement as follows:

   a. An applicant shall agree to, and the City shall ensure, continued affordability of all

Very Low and Low Income Units that qualified the applicant for the award of the Density Bonus for 30 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Rents for the Lower Income Density Bonus units shall be set at an affordable rent as defined in Section 17.36.050.B of this Chapter. Owner-occupied units shall be available at an affordable housing cost as defined in Section 17.36.050.B of this Chapter.

b. An applicant shall agree to, and the City shall ensure that, the initial occupants of the Moderate Income units are directly related to the receipt of the Density Bonus in the common interest development as defined in Section 1351 of the California Civil Code, are persons and families of Moderate Income, as defined in Section 17.36.050.B of this Chapter and that the units are offered at an affordable housing cost, as that cost is defined in Section 17.36.050.B of this Chapter. 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 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. 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 subdivision (e) of Section 33334.2 of the California Health and Safety Code that promote homeownership.

(2) For purposes of this subdivision, 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.

(3) For purposes of this subdivision, 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.

17.36.060 – Home Occupations

The following standards for home occupations are intended to provide reasonable opportunities for employment within the home, while avoiding changes to the residential character of a dwelling that accommodates a home occupation, or the surrounding neighborhood, where allowed by Article 2 (Land Use and Development Standards).

A. Business License required. A home occupation shall require a City Business License.

B. Limitations on use. The following are examples of business activities that may be approved as home occupations, and uses that are prohibited as home occupations.

1. Uses allowed as home occupations. The following and other uses determined by the Director to be similar may be approved by the Director in compliance with this Section.

a. Art and craft work (ceramics, painting, photography, sculpture, etc.);

b. Tailors, sewing, etc.; and

c. Office-only uses, including an office for an architect, attorney, consultant, counselor, insurance agent, planner, tutor, writer, etc., and electronic commerce.

2. Uses prohibited as home occupations. The following are examples of business activities that are not incidental to or compatible with residential activities, and are, therefore, prohibited as home occupations:

a. Adult entertainment activities/businesses;

b. Animal hospitals and boarding facilities;

c. Automotive and other vehicle repair and service (body or mechanical), painting, storage, or upholstery, or the repair, reconditioning, servicing, or manufacture of any internal combustion or diesel engines, or of any motor vehicle, including automobiles, boats, motorcycles, or trucks;

d. Contractor's and other storage yards;

e. Dismantling, junk, or scrap yards;

f. Fitness/health facilities (except that one-on-one personal trainers may be allowed);

g. Medical clinics, laboratories, or doctor's offices;

h. Personal services as defined in Article 7 (Definitions), except that licensed massage therapy and physical therapy may be allowed as home occupations in compliance with this Section;

i. Parking on, or dispatching from the site any vehicle used in conjunction with an automobile wrecking or towing service, or with a taxi or similar passenger or delivery service, whether based on the site or elsewhere;

j. On-site sales, except that mail order businesses may be allowed where there is no stock-in-trade on the site;

k. Uses that require explosives or highly combustible or toxic materials;

l. Welding and machine shop operations;

m. Wood cutting businesses;

n. Barber/beauty/nail shops;

o. Dance/night clubs;

p. Food preparation for commercial purposes;

q. Fortune telling (psychics);

r. Photography studios (not including photo processing);

s. Plant nursery;

t. Retail or wholesale sales of products stored at the residence, except that mail order businesses may be allowed where there is no stock-in-trade on the site; and

n. Other uses the Director determines to be similar to those listed above.

C. Operating standards. Home occupations shall comply with all of the following operating standards.

1. Accessory use. The home occupation shall be clearly secondary to the full-time use of the property as a residence.

2. Location of home occupation activities. All home occupation activities shall be confined to one room within the primary dwelling, which shall not occupy more than 25 percent of the gross floor area of the ground floor. A garage or other enclosed accessory structure may be used for home occupation purposes only if required off-street parking spaces are continually maintained. Horticulture activities may be conducted outdoors, but only on the rear one-third of the site.

3. Visibility. The use shall not require any exterior modification to the structure not customarily found in a dwelling, nor shall the home occupation activity be visible from a public right-of-way, or from neighboring residential properties.

4. Signs. No signs are permitted in conjunction with the use, other than one name plate, not exceeding one square foot in area, and only if attached flush to a wall of the structure. There shall be no advertising signs.

5. Safety. Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises. The use shall not employ the storage of explosive, flammable, or hazardous materials beyond those normally associated with a residential use.

6. Off-site effects. No home occupation activity shall create dust, electrical interference, fumes, gas, glare, light, noise, odor, smoke, toxic/hazardous materials, vibration, or other hazards or nuisances as determined by the Director.

7. Outdoor display or storage. There shall be no window display or outdoor storage or display of equipment, materials, or supplies associated with the home occupation. Tools or equipment connected with the business shall be operated so as to be imperceptible at or beyond the property line.

8. Employees. A home occupation shall have no on-site employees other than full-time residents of the dwelling.

9. Client/customer visits. The home occupation shall involve no on-site clients except for:

a. Home occupations in live/work units;

b. Tutoring or instruction of children by appointment; and

c. Applicants with a demonstrated mobility handicap.

10. Motor vehicles. There shall be no motor vehicles used or kept on the premises, except residents' passenger vehicles, and/or one pickup truck, van, or similar vehicle not exceeding 1.5 ton carrying capacity. The home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises in a manner different from normal residential usage, except for FedEx, UPS, or USPS-type home deliveries/pick-ups. The Commission may authorize other types and/or additional vehicles with Use Permit approval.

11. Utility service modifications. No utility service to the dwelling shall be modified solely to accommodate a home occupation, other than as required for normal residential use.

D. Home working operations. Small-scale commercial wood and metal working may be authorized by Minor Use Permit as a home occupation, provided that the review authority may require conditions of approval limiting hours of operation, noise levels, and/or any other aspect of the operation, to ensure compatibility with on-site and adjacent residential uses.

17.36.070 - Mobile Home Parks

A proposed mobile home park shall comply with the following minimum standards. The review authority may impose additional, more restrictive, requirements in the interest of public health, safety, and welfare, to the extent allowed by State law.

A. Overall mobile home park site standards. The site for the mobile home park shall comply with the following standards.

1. Minimum site area: 20 acres.

2. Maximum density: 10 units per acre.

3. Boundary landscape building setback. Each park shall provide a building setback and a planting strip of at least 10 feet in width where trees shall be planted and where general screening and/or a fence shall be provided. Where any portion of the park fronts on a public street or right-of-way, the setback shall be 25 feet.

4. Perimeter wall/fence. A six-foot high solid masonry wall shall be provided around the entire perimeter of the mobile home park subject to the setback requirements of this Section.

5. Parking. Parking shall be provided in compliance with Chapter 17.32 (Parking and Loading).

6. Recreational vehicle parking. A supplemental parking area for recreational vehicles may be allowed as part of the Use Permit approval for the project.

7. Accessory uses. A mobile home park may contain accessory retail and service uses for the convenience of the residents provided that these uses shall be specifically authorized by the park Use Permit.

B. Individual mobile home site standards. Each individual mobile home site shall comply with the following standards.

1. Minimum site area. Individual mobile home sites and contiguous public walkway areas shall contain a minimum of 3,000 square feet of area for a single-wide mobile home unit and 4,000 square feet for a double-wide mobile home.

2. Parcel dimensions. Individual mobile home parcels shall be a minimum of 40 feet in width and 70 feet in length.

3. Setbacks. Individual mobile homes shall be set back five feet from all lot lines, including front and rear, except for any side or rear line abutting the mobile home park property line, in which case the minimum setback shall be 25 feet.

4. Carport. Each mobile home site shall be provided an individual carport, with its location and design as approved through the mobile home park Use Permit.

17.36.080 - Outdoor Display and Retail Activities

A. Accessory outdoor display. Outdoor displays incidental and complementary to an allowed use on commercially or publicly zoned parcels shall comply with the following standards.

1. An outdoor display shall be:

a. Appropriately located and designed in a manner and color to be compatible with the adjacent structures;

b. Approved with a defined fixed location that does not disrupt the normal function of the site or its circulation, and does not encroach upon driveways, landscaped areas, parking spaces, or any public right-of-way except in the DMU zone with Encroachment Permit approval. No display shall obstruct traffic safety sight areas or otherwise create hazards for vehicle or pedestrian traffic;

c. Directly related to a business occupying a permanent structure on the site;

d. Limited to on-site locations; provided that a display within the DMU zone may extend into or enter over any public sidewalk by a maximum of two feet, where authorized by an Encroachment Permit;

f. Managed so that display structures and goods are maintained at all times in a clean and neat condition, and in good repair;

g. Placed so that the clear space for the passage of pedestrians is not reduced to less than six feet. Any placement on a public sidewalk or otherwise within a public right-of-way shall be prohibited, except within the downtown where such placement shall require Encroachment Permit approval;

h. Placed to not block structure entrances and on-site driveways; and

i. Portable and removed from public view at the close of each business day.

2. Outdoor displays shall not be:

a. Placed so as to impede or interfere with the reasonable use of the store front windows for display purposes; and

b. Placed in front of a business that does not normally sell the items on display.

3. Signs. The outdoor display shall not involve signs other than those normally allowed for the subject use by Chapter 17.34 (Signs).

B. Newsstands and flower stands.

1. Location requirements. News and flower stands shall:

a. Be located parallel and adjacent to the wall of a structure, and shall not extend over any public sidewalk except within the DMU zoning district. Freestanding news and flower stands are allowed only as roofed kiosks;

b. Not be located:

(1) Within three feet of a display window of any structure abutting the sidewalk, or so as to interfere with or restrict the reasonable use of the window for display purposes;

(2) Within 1,000 feet of another news or flower stand, or florist, provided that this requirement may be reduced by the Director if the proposed use is determined not to be detrimental to public safety and welfare.

2. Design and construction requirements.

a. Stands shall be soundly constructed of wood, metal, or other suitable permanent material, and designed in a manner and color to be compatible with the adjacent structures whether opened or closed. Security doors shall be designed as an integral part of the structure.

b. Shelving shall not exceed eight feet in height nor two feet in depth.

3. Maintenance. The news or flower stand shall be maintained in a clean and neat condition and in good repair, at all times.

4. Signs.

a. Stands shall not be used for advertising or publicity purposes. Signs shall be for identification only, with size and design in compliance with Chapter 17.34 (Signs).

b. The owners or operators of the outdoor news or flower stand shall display, in a place readily visible to the public, a telephone number and address where the owners may be reached.

5. Parking. In approving an outdoor news or flower stand, the Director shall determine that some on-site parking or adequate on-street or other public parking is available in a commercial zoning district within a reasonable distance of the stand.

6. **Additional product sales.** In addition to the sale of newspapers, magazines, and other periodicals, for newsstands, and flowers and plants, for flower stands, the owners or operators may sell other related accessory products, not to exceed 10 percent of the total merchandise displayed.

7. **Encroachment Permit.** If a news or flower stand is proposed within a public right-of-way, the owners or operators shall apply for an Encroachment Permit from the Public Works Department before applying for approval of the stand by the Department.

8. **Hours of operation.** Hours of operation of news and flower stands shall be determined by the Director and shall be posted on-site.

17.36.090 - Outdoor Storage

This Section provides standards for the establishment of outdoor storage areas, in compliance with Article 2 (Land Use and Development Standards).

A. Location. Storage areas shall be limited to areas not designated for parking, setbacks, or landscaping.

B. Enclosure required. An outdoor area used for storage shall be completely enclosed by a solid masonry wall and solid gate. The Director may allow the substitution of a fence or hedge, after determining that the substitution will adequately comply with the provisions of this Section. The required fence or wall shall:

1. Be not less than six feet;

2. Incorporate design elements to limit easy climbing and access by unauthorized persons;

3. Walls abutting a right-of-way shall comply with Section 17.14.100 (Walls, Fences, and Hedges); and

4. Be subject to approval by the Director.

C. Operations. All raw materials, equipment, or finished products stored or displayed shall:

1. Be stored in a manner that they cannot be blown by wind from the enclosed storage area;

2. Except in the M zoning district, not be stored above the height of the enclosing wall or fence within 10 feet of the wall or fence (fence height shall comply with Section 17.14.100);

3. Not be placed or allowed to remain outside the enclosed storage area; and

4. Be stored on a surface paved with asphalt or concrete.

D. Maintenance. All portions of outside storage and display areas shall have provisions for adequate drainage, and shall be continuously maintained.

17.36.100 - Recreational Vehicle Parks

The location, development and operation of a recreational vehicle (RV) park shall comply with the following requirements.

A. **Minimum site area.** The site for an RV park shall be a minimum of one acre, when not part of a mobile home park.

B. **Maximum density.** The number of RV spaces in a park shall not exceed 15 units per acre of site area.

C. **Parking space area and width.** Each RV space shall be at least 1,800 square feet in area, and a minimum width of 30 feet.

D. **Setbacks.** Each recreational vehicle space shall be located a minimum of five feet from any side property line and 10 feet from any rear property line.

E. **Screening.** A minimum 25-foot wide landscaped buffer area shall be provided along all public streets adjoining the park. A minimum 10-foot wide landscaped buffer area shall be provided along all interior property lines. No RV space shall encroach into the landscaped buffer areas.

F. **Parking.** One parking spur shall be provided for each RV space. The maximum grade for the last 25 feet of any spur shall be two percent. At least 70 percent of all spurs shall be designed to accommodate both a motor vehicle (e.g., auto, truck, etc.) and a trailer. Parking spurs shall not be located closer together than 40 feet on center.

G. **Roadways.** Each RV space shall abut and have direct access to a roadway of at least 24 feet in width, which shall be surfaced with asphaltic concrete, or an appropriate alternative approved by the review authority.

H. **Signs**.

1. **Sign program.** An overall sign program shall be prepared for each RV park, including any proposed free-standing signs and signs on structures. The plan may also provide for internal signs (those not visible from off-site roadways or adjoining property) that are strictly directional in nature.

2. **Allowable signs and sign area.** An RV park shall be allowed up to 80 square feet of sign area visible from external roadways and adjoining property, consisting of up to two free-standing signs and one wall sign.

a. A single sign shall not exceed 40 square feet in total area.

b. The maximum height of a free-standing sign shall be 25 feet.

I. **Accessory commercial uses.** An RV park may provide commercial uses for the convenience of campers as approved by the review authority, provided that the uses shall not occupy more than 500 square feet for each 50 spaces.

J. **Manager's quarters.** Living quarters may be provided for the use of a caretaker or manager. The living quarters may be either a mobile home or permanent dwelling unit.

17.36.110 - Recycling Facilities

This Section provides locational and operational standards for the establishment of various types and sizes of commercial recycling facilities, in compliance with Article 2 (Land Use and Development Standards). Recycling facilities shall comply with the following standards.

A. Reverse vending machines. Reverse vending machines shall comply with the following standards.

1. Accessory use only. The machines shall be installed as an accessory use in compliance with the applicable provisions of this Development Code, and shall not require additional parking.

2. Location requirements. If located outside of a structure, the machines shall not occupy required parking spaces, and shall be constructed of durable waterproof and rustproof materials.

3. Maximum size. When located outdoors, the area occupied by the machines shall not exceed 50 square feet, including any protective enclosure, nor eight feet in height.

4. Signs. Signs shall not exceed a maximum area of four square feet for each machine, exclusive of operating instructions.

5. Hours of operation. The machines shall have operating hours which are consistent with the operating hours of the primary use.

6. Lighting. The machines shall be illuminated when needed to ensure comfortable and safe operation.

B. Small collection facilities. Small collection facilities shall comply with the following standards.

1. Location requirements. Small collection facilities shall:

a. Not be located within 50 feet of any parcel zoned or occupied for residential use; and

b. Be set back at least 10 feet from any public right-of-way, and not obstruct vehicular or pedestrian circulation.

2. Maximum size. A small collection facility shall not occupy more than 350 square feet nor three parking spaces, not including space that would be periodically needed for the removal of materials or exchange of containers.

3. Appearance of facility. Collection containers and site fencing shall be of a color and design that is compatible and harmonious with the surrounding uses and neighborhoods.

4. Operating standards. Small collection facilities shall:

a. Not use power-driven processing equipment, except for reverse vending machines;

b. Accept only glass, metal or plastic containers, paper, and reusable items; and

c. Use containers that are constructed with durable waterproof and rustproof material(s), secured from unauthorized removal of material, and shall be of a capacity sufficient to accommodate materials collected and the collection schedule.

5. Signs. Signs may be provided as follows:

a. Identification signs are allowed with a maximum area of 15 percent for each side of the structure or 12 square feet, whichever is greater. In the case of a wheeled facility, the side shall be measured from the ground to the top of the container;

b. Signs shall be both compatible and harmonious with the character of their location; and

c. Directional signs, consistent with Chapter 17.34 (Signs) and without advertising message, may be approved by the Director if found necessary to facilitate traffic circulation, or if the facility is not visible from the public right-of-way.

6. Parking requirements.

a. No additional parking space shall be required for customers of a small collection facility located in the established parking lot of the main use. One space shall be provided for the attendant, if needed.

b. Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present; and

c. Use of parking spaces by the patrons and the attendant shall not reduce available parking spaces below the minimum number required for the main use unless a parking study shows that existing capacity is not fully utilized during the time the recycling facility would be on the site.

C. Large collection facilities. A collection facility that is larger than 350 square feet, or on a separate parcel not accessory to a primary use, shall comply with the following standards.

1. Location requirements. The facility shall not abut a parcel zoned for residential use.

2. Container location. Any containers provided for "after hours" donation of recyclable materials shall be permanently located at least 100 feet from any residential zoning district, constructed of sturdy, rustproof material(s), have sufficient capacity to accommodate materials collected, and be secured from unauthorized entry or removal of materials; and

3. Screening. The facility shall be screened from public rights-of-way, by solid masonry walls or located within an enclosed structure.

4. Setbacks, landscaping. Structure setbacks and landscaping shall be provided as required for the applicable zoning district.

5. Outdoor storage. Exterior storage of material shall be in sturdy containers that are secured and maintained in good condition. Storage, excluding truck trailers, shall not be visible above the height of the required solid masonry walls.

6. Operating standards.

a. The site shall be maintained clean, sanitary, and free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis;

b. Dust, fumes, odor, smoke, or vibration, above ambient levels, shall not be detectable on adjoining parcels.

D. Processing facilities. Processing facilities shall comply with the following standards.

1. Location requirements. The facility shall not abut a parcel zoned or occupied for residential use.

2. Limitation on use. Light processing facilities are limited to baling, briquetting, compacting, crushing, grinding, shredding, and sorting of source-separated recyclable materials and repairing of reusable materials.

3. Maximum size.

a. A light processing facility shall not exceed 45,000 square feet of floor or ground area, may have up to an average of two outbound truck shipments of material each day, and shall not bale, compact, or shred ferrous metals, other than beverage and food containers;

b. A heavy processing facility exceeds the standards for a light processing facility, and may perform functions not allowed at light processing facilities.

4. Container location. Containers provided for "after hours" donation of recyclable materials shall be permanently located at least 100 feet from any residential zoning district, constructed of sturdy, rustproof materials, have sufficient capacity to accommodate materials collected, and be secured from unauthorized entry or removal of the materials.

5. Screening. The facility shall be screened from public rights-of-way, by solid masonry walls or located within an enclosed structure.

6. Outdoor storage. Exterior storage of material shall be in sturdy containers or enclosures that are secured and maintained in good condition. Storage, excluding truck trailers, shall not be visible above the height of the required solid masonry walls.

7. Operating standards. Dust, fumes, odor, smoke, or vibration, above ambient levels, shall not be detectable on adjoining parcels.

17.36.120 - Residential Accessory Uses and Structures

Where allowed in the applicable zoning district by Article 2 (Land Use and Development Standards), residential accessory uses and structures shall comply with the following criteria and standards.

A. Relationship of accessory use or structure to the main use. Accessory uses and structures shall be incidental to and not alter the main use or character of the site.

B. Timing of installation. An accessory structure shall be constructed concurrent with or subsequent to the construction of a main structure on the property unless a Use Permit is first obtained in compliance with Section 17.40.040 (Use Permits).

C. Location. The location of all accessory structures shall comply with all applicable California Building Code standards, and the following requirements:

1. A structure greater than 30 inches in height above finished grade and attached to a main structure shall comply with the requirements for the main structure. A detached structure (deck or patio) greater than 30 inches in height shall not be constructed in a required setback unless Director approval is first obtained;

2. An accessory structure greater than 120 square feet shall not be closer than three feet to any other accessory structure on the same property, and shall comply with all other requirements of the applicable zoning district. An accessory structure shall not be located within a required front yard setback and shall maintain side and rear setbacks of at least five feet;

3. An accessory structure that is 120 square feet or less shall not be located closer than three feet to a rear or side property line;

4. An accessory structure shall not be located in a required front yard, except that decorative garden structures (e.g., small trellis or archway) shall be allowed.

D. Maximum number of accessory structures. A maximum of two accessory structures shall be allowed on any residentially zoned or residentially used property unless Site Plan and Architectural Approval is first obtained.

E. Height limitations.

1. The height of an accessory structure that is 120 square feet or less shall not exceed eight feet unless Site Plan and Architectural Approval is first obtained in compliance with Section 17.40.020 (Site Plan and Architectural Approval). The height of an accessory structure with a floor area greater than 120 square feet shall comply with the height limits of the applicable zoning district;

2. An accessory structure that is primarily a narrow, vertical element (e.g., flag pole, ham radio antenna, etc.) may be allowed to exceed the six foot height limit within the front or rear yard setback.

F. Coverage and size limitations. Accessory structures may occupy up to a maximum of 25 percent of a required side yard and up to a maximum of 30 percent of a required rear yard; provided that the aggregate site coverage for all structures on a parcel shall not exceed the maximum allowed in the applicable specific zoning district by Section 17.18.040 (Residential Zoning District General Development Standards).

G. Prohibited uses and activities.

1. Outdoor vehicle repair. No vehicle repair activities shall be conducted outdoors within a residential zone.

2. Electrical service. A parcel developed with a single-family dwelling shall have only one electrical service panel. Separate electrical service shall not be provided any accessory structure or guest house.

17.36.130 - Second Dwelling Units

A. Minimum site area. A second dwelling unit may be permitted only on a parcel that complies with the minimum lot area requirements of the applicable zoning district.

B. Number of units allowed. One second dwelling unit shall be allowed on a parcel in a single-family or multi-family zoning district developed with a main dwelling, but shall not be allowed on a parcel developed with two or more dwellings.

C. Location on site. A second unit may be located on the site to be within, attached to, or detached from the existing main dwelling. A second unit may also be located above a detached garage.

D. Setbacks. An attached second unit shall be subject to the same front, sides, and rear setback requirements applicable to the main dwelling. A detached second unit, including a unit placed over a detached garage, shall not be located within a required front yard setback, shall maintain side and rear yard setbacks of at least five feet, and shall maintain a six-foot separation from other accessory structures and the main dwelling unit.. More restrictive setbacks may be required through Site Plan and Architectural Approval.

E. Floor area limitations. The habitable floor area of a second unit shall not be less than 300 square feet. The maximum square footage shall not exceed 640 square feet or 30 percent of the existing living area of the primary residence, whichever is less.

F. Architectural compatibility. The second unit shall be architecturally compatible with the main dwelling unit and comply with all height and lot coverage requirements of the underlying zoning district.

G. Parking. The second unit shall be provided with one off-street parking space in addition to that required for the main dwelling unit.

H. Illegal second units. This Section shall not validate any existing illegal second unit. The standards and requirements for the conversion of an illegal second unit to a legal, conforming unit, shall be the same as for a new second unit.

17.36.140 - Telecommunications Facilities

A. Purpose. The purpose of these regulations is to provide for the establishment of wireless communication facilities to protect the public health, safety, the general welfare and quality of life. These regulations are intended to supersede applicable provisions of the Lodi Municipal Code pertaining to wireless communication facilities and to establish flexible requirements for their governance which recognize the unique land use distribution and aesthetic characteristics of the City of Lodi.

B. Definitions.

1. **Antenna** means a device used in communications which transmits or receives radio signals.

2. **Building-Mounted** means mounted to the side of a building to the façade of a building, or to the side of another structure such as a water tank, church steeple, freestanding sign, or similar structure, but not to include the roof or any structure.

3. **California Public Utilities Commission** (CPUC) means the government agency which regulates the terms and condition of public utilities in the State of California.

4. **Cell Site** means a geographical area with a radius of two to eight miles that contains both transmitting and receiving antennas.

5. **Cellular** means an analog or digital wireless communication technology that is based on a system of interconnected neighboring cell sites, each of which contains antennas.

6. **Certificate of Public Convenience and Necessity** means a certificate issued by the California Public Utilities Commission.

7. **Co-location** means the locating of wireless communications equipment from more than one provider on a single building-mounted, roof-mounted or ground-mounted wireless communication facility.

8. **Ground-Mounted** means mounted to a pole, monopole, lattice tower or other freestanding structure specifically constructed for the purpose of supporting an antenna.

9. **Monopole** means a structure composed of a single spire used to support antennas or related equipment.

10. **Mounted** means attached or supported.

11. **Personal Communication Services** means digital low-power, high-frequency wireless radio communication technology that has the capacity for multiple communications services and will provide a system in which calls will be routed to individuals, regardless of location.

12. **Public Wireless Communication Facility** means a wireless communication facility that has been granted a Certificate of Public Convenience and Necessity or a Wireless Registration Number by the CPUC.

13. **Roof-Mounted** means mounted above the eave line of a building.

14. **Stealth Facility** means any communication facility which is designed to blend into the surrounding environment, typically one that is architecturally integrated into a building or other concealing structure, and shall include and mean any concealed antenna.

15. **Wireless Communication Facility** means a structure that supports commercial antennas, microwave dishes and/or other related equipment that sends and/or receives radio frequency signals.

C. Applicability. All wireless communication facilities shall be required to comply with the regulations and guidelines contained herein.

D. Development Regulation and Criteria.

1. **General Policy.** As part of the application process, applicants for wireless communication facilities shall provide written documentation demonstrating a good faith effort to locate facilities in accordance with the following guidelines:

a. Where possible, the applicant shall use stealth facilities or antennas that are architecturally integrated with a building or structure so as not to be recognized as an antenna.

b. Faculties should be located where existing vegetation, buildings, or other structures provide the greatest amount of screening.

c. Ground-mounted wireless facilities should be located in close proximity to existing above-ground utilities, such as electrical substations, utility poles, light poles, water tanks, or trees of comparable height.

d. Wireless communication facilities shall be located in the following order of preference:

(1) Co-located with other wireless communication providers on existing poles.

(2) Located on an existing structure such as a building or tower.

(3) Located in an industrially zoned district.

2. Locational Criteria.

a. Wireless communication facilities shall be allowed within the M zone subject to the review and approval of a Minor Use Permit.

b. Wireless communication facilities shall be allowed within the CC and GC zones subject to the review and approval of a Use Permit.

c. In no case may a wireless communication facility be established within 200 feet of any property used for residential purpose or 200 feet from any residentially zoned property.

3. Development and Design Standards.

a. Height – All zoning requirements relative to height shall apply to a wireless communication facility. However, a ten-foot height bonus may be permitted to provide for co-locations.

b. Facilities shall be located to minimize views from the public right-of-way by siting them behind tall buildings or placing them near existing tall trees.

c. Wireless communication facilities shall not bear any signs or advertising devices other than certification, warning or other required seals or legally required signs.

d. All accessory equipment associated with the operation of a facility shall be located within a building enclosure or underground vault subject to City approval. If the equipment is to be located above ground, it shall be visually compatible with surrounding buildings and include sufficient landscaping to screen the structure from public view.

e. Wireless communication facilities shall have subdued colors and use non-reflective materials which blend with surrounding materials and colors.

f. Poles shall be designed to prevent unauthorized climbing.

ARTICLE 4

Land Use and Development Permit Procedures

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CHAPTER 17.38 - APPLICATION FILING AND PROCESSING

Sections:

17.38.010 - Purpose of Chapter
17.38.020 - Authority for Land Use and Zoning Decisions
17.38.030 - Concurrent Permit Processing
17.38.040 - Application Preparation and Filing
17.38.050 - Application Fees
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17.38.070 - Environmental Assessment
17.38.080 - Staff Report and Recommendations

17.38.010 - Purpose of Chapter

This Chapter provides procedures and requirements for the preparation, filing, and processing of applications for the land use permits required by this Development Code.

17.38.020 - Authority for Land Use and Zoning Decisions

Table 4-1 (Review Authority) identifies the City official or body responsible for reviewing and making decisions on each type of application, land use permit, and other approvals required by this Development Code.

17.38.030 - Concurrent Permit Processing

When a single project incorporates different land uses or features so that this Development Code requires multiple land use permit applications, the applicable review authority may choose to require that all applications be reviewed, and approved or disapproved, by the highest level review authority assigned by Table 4-1 to any of the required applications.

TABLE 4-1 - REVIEW AUTHORITY

Type of Decision	See Section	Role of Review Authority (1)			
		Director	**SPARC** (2)	**Planning Commission**	**City Council**
Administrative and Amendments					
General Plan amendments	17.70			Recommend	Decision
Interpretations	17.02	Decision (3)		Appeal	Appeal
Zoning text amendments	17.70			Recommend	Decision
Zoning Map amendments	17.70			Recommend	Decision
Land Use Permits and other Development Approvals					
Administrative Deviations	17.40.050	Decision (3)		Appeal	Appeal
Certificates of Occupancy	17.40.070	Decision (3)		Appeal	Appeal
Home Occupation Permits	17.36.060	Decision (3)		Appeal	Appeal
Planned Development Permit	17.40.060			Decision	Appeal
Sign Permits	17.34.030	Decision (3)	Decision		
Density Bonus	17.36.050	Recommend		Decision	Appeal
Site Plan and Architectural Approval for multiple single family homes	17.40.020	Recommend	Decision	Appeal	Appeal
Site Plan and Architectural Approval, for Commercial and Industrial buildings,	17.40.020	Recommend	Decision	Appeal	Appeal
Temporary Use Permits	17.40.030	Decision (3)		Appeal	Appeal
Minor Use Permits	17.40.040	Decision (3)		Appeal	Appeal
Use Permits	17.40.040	Recommend		Decision	Appeal
Variances	17.40.050	Recommend		Decision	Appeal

Notes:

(1) "Recommend" means that the review authority makes a recommendation to a higher decision-making body; "Decision" means that the review authority makes the final decision on the matter; "Appeal" means that the review authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with Chapter 17.70 (Appeals).

(2) SPARC means the Site Plan and Architectural Approval Committee. (See Section 17.66.050)

(3) The Director may defer action on permit applications and refer the items to the Commission for the final decision.

17.38.040 - Application Preparation and Filing

The preparation and filing of applications for land use permits, amendments (e.g., General Plan, Zoning Map, and Development Code), and other matters pertaining to this Development Code shall comply with the following requirements.

A. Pre-application review.

1. A prospective applicant or agent is strongly encouraged to request a pre-application review with the Department before completion of project design and the formal submittal of a permit application.

2. A request by an applicant for pre-application review, accompanied by preliminary project plans and designs and the required filing fee, will be reviewed by affected City departments and other selected agencies.

3. The reviewing City staff members will inform the applicant of requirements as they apply to the proposed development project, provide a preliminary list of issues that will likely be of concern during formal application review, suggest possible alternatives or modifications to the project, and identify any technical studies that may be necessary for the environmental review process when a formal application is filed.

4. Neither the preapplication review nor information and/or pertinent policies provided by the Department shall be construed as a Department recommendation for approval or disapproval of the application/project.

B. Application contents and fee. Applications shall include the forms provided by the Department, and all information and materials required by the application content requirements handout provided by the Department for the specific type of application (e.g., Use Permit, Variance, or others), and the filing fee required by the Council's Fee Resolution.

C. Eligibility, filing. All land use permit and other applications required by this Development Code shall be filed with the Department. Applications may be made by:

1. The owner of the subject property; or

2. Any other person, agent, or representative, with the written consent of the property owner.

D. Filing date. The filing date of an application shall be the date on which the Department receives the last submission, map, plan, or other material required as a part of that application by Subsection B of this section, including appropriate filing fees, in compliance with Section 17.38.060 (Initial Application Review) and deemed complete by the Director.

17.38.050 - Application Fees

A. Filing fees required.

1. The Council shall, by resolution, establish a schedule of fees for amendments, entitlements, and other matters pertaining to this Development Code, referred to as the Council's Fee Resolution.

2. The schedule of fees may be changed only by resolution of the Council.

3. The City's processing fees are cumulative. For example, if an application for a Parcel Map also requires an Administrative Deviation, both fees shall be charged.

4. Processing shall not commence on an application until all required fees have been paid.

5. Without the application fee the application shall not be deemed complete.

6. The City is not required to continue processing any application unless additionally required fees are paid in full.

7. Failure to pay the applicable fees is grounds for disapproval of the application.

B. Refunds and withdrawals.

1. Recognizing that filing fees are utilized to cover City costs of public hearings, mailing, posting, transcripts, and staff time involved in processing applications, no refunds due to a disapproval are allowed.

2. In the case of a withdrawal, the Director may authorize a partial refund based upon the pro-rated costs to-date and determination of the status of the application at the time of withdrawal.

17.38.060 - Initial Application Review

All applications filed with the Department in compliance with this Development Code shall be initially processed as follows.

A. Completeness review. The Director shall review all applications for completeness and accuracy before they are accepted as being complete in compliance with Section 17.38.040.B (Application contents and fees), above.

1. Notification of applicant. The applicant shall be informed in writing within 30 days of submittal, either that the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, specified in the letter, shall be provided. All additional information needed shall be identified in the letter providing notice of an incomplete application.

2. Appeal of determination. Where the Director has determined that an application is incomplete, and the applicant believes that the application is complete and/or that the information requested by the Director is not required, the applicant may appeal the determination in compliance with Chapter 17.70 (Appeals).

3. Environmental information. The Director may require the applicant to submit additional information needed for the environmental review of the project in compliance with Section 17.38.070 (Environmental Assessment), below.

4. Expiration of application. If the applicant does not provide the additional information required in compliance with Subsection A.1, above, within 120 days after the date of the letter requesting the additional information, the Director may consider the application withdrawn if the Director determines that reasonable progress toward completion of the application has not occurred. Application processing shall not resume thereafter until a new application is filed, including fees, plans, exhibits, and other materials that are required for any project on the same site.

5. **Criteria for acceptance.** An application shall not be accepted as complete unless or until the Director determines that it:

   a. Is consistent with the General Plan, and any applicable specific plan; development agreement, or previously approved Use Permit;

   b. Is in compliance with zoning district requirements applicable to the site, except for a Zoning Map amendment or prezoning filed in compliance with Chapter 17.72 (Amendments); and

   c. Includes all information and materials required by Section 17.38.040.B (Application contents and fees).

6. **Violations on the site.**

   a. The Director shall not find the application complete, and/or shall not process or approve the application, if conditions exist on the site in violation of this Development Code or any permit or other approval granted in compliance with this Development Code, other than an application for the approval, entitlement, or permit, if any, needed to correct the violation.

   b. The Director's authority under this Subsection shall apply whether:

      (1) The current applicant was the owner of the subject property at the time the violation occurred; or

      (2) The applicant is the current owner of the subject property with or without actual or constructive knowledge of the violation at the time of acquisition of the subject property.

   c. The Director's decision may be appealed in compliance with Chapter 17.70 (Appeals).

B. Referral of application. At the discretion of the Director, or where otherwise required by this Development Code, State, or Federal law, any application filed in compliance with this Development Code may be referred to any public agency that may be affected by or have an interest in the proposed land use activity.

17.38.070 - Environmental Assessment

After acceptance of a complete application, the project shall be reviewed as required by the California Environmental Quality Act (CEQA) and the *Lodi Environmental Review Guidelines.*

17.38.080 - Staff Report and Recommendations

A. Staff evaluation. The Director shall review all applications filed in compliance with this Chapter to determine whether they comply with the provisions of this Development Code, other applicable provisions of the Municipal Code, and the General Plan.

B. Staff report preparation.

1. The Department staff shall prepare a staff report that describes conclusions about the proposed land use and any development as to its compliance and consistency with the provisions of this Development Code, other applicable provisions of the Municipal Code, the General Plan, and any applicable specific plan.

2. The staff report shall include recommendations on the approval, approval with conditions, or disapproval of the application, based on the project evaluation, and consideration of information provided by an initial study or environmental impact report.

C. Report distribution. Staff reports shall be furnished to the applicants at the same time as they are provided to the review authority before the public hearing on the application.

CHAPTER 17.40 - PERMIT APPROVAL OR DISAPPROVAL

Sections:

17.40.010 - Purpose of Chapter
17.40.020 - Site Plan and Architectural Approval
17.40.030 - Temporary Use Permits
17.40.040 - Use Permits
17.40.050 - Variances and Administrative Deviations
17.40.060 - Planned Development Permits
17.40.070 - Certificates of Occupancy

17.40.010 - Purpose of Chapter

A. Permit review procedures.

This Chapter provides procedures for the final review, and approval or disapproval of the land use permit applications established by this Development Code.

B. Subdivision review procedures.

Procedures and standards for the review and approval of subdivision maps are found in Article 5 (Subdivisions).

C. Application filing and initial processing.

Where applicable, the procedures of this Chapter are carried out after those described in Chapter 17.38 (Application Filing and Processing), for each application.

17.40.020 - Site Plan and Architectural Approval

A. Purpose. This Section establishes procedures for the City's review of the design aspects of proposed development (for example, building design, landscaping, site planning and development, and signs). These procedures are not intended to restrict imagination, innovation, or variety in design, but rather to focus on design issues and solutions that will have the greatest effect on community character and aesthetics, to encourage imaginative solutions and high-quality urban design. The purposes of this Section are, therefore, to:

1. Recognize the interdependence of land values and aesthetics and encourage the orderly and harmonious appearance of development within the community;

2. Ensure that new uses and structures enhance their sites and are compatible with the highest standards of improvement in the surrounding neighborhoods;

3. Better protect the increasing values, standards, and importance of land and development in the community;

4. Retain and strengthen the visual quality of the community;

Permit Approval or Disapproval

5. Assist project developers in understanding the public's concerns for the aesthetics of development, and

6. Ensure that development complies with all applicable City standards and guidelines, and does not adversely affect community health, safety, aesthetics, or natural resources.

B. Applicability. Table 4-2 identifies when Site Plan and Architectural Approval is required, and the responsible review authority.

TABLE 4-2 - APPLICABILITY OF SITE PLAN AND ARCHITECTURAL APPROVAL

Type of Project	Site Plan and Architectural Approval Requirement		
	Exempt	Director Review	SPARC Review
Individual single-family homes and accessory structures, including additions and alterations, under individual applications in the R-1, R-1E, and R-2 zoning districts.	√		
Ground floor additions and alterations deemed visually or functionally insignificant by the Director.	√		
Multiple single-family detached homes and accessory structures in the R-1, R-1E, and R-2 zoning districts. (1)			√
Multi-family dwellings and accessory structures in the RMD and RHD zoning districts. (1)			√
Temporary structures that will be removed within one year. (2)			√
Additions and alterations in all zoning districts, except the R-1, R-1E, R-2, RMD, and RHD zones, that do not meet the specific criteria above. (2) (3)			√
Nonresidential development containing up to 10,000 square feet of total gross structure area. (3)			√
Nonresidential development containing 10,000 square feet or more of total gross structure area. (3)			√
All other land uses.			√

Notes:
(1) Only where the same basic design will be used more than once in the same subdivision.
(2) Landscaping plans may be required.
(3) Site Plan and Architectural Approval shall be required for new structures and addition or reconstruction projects that are equal to 50 percent or greater of the floor area of the existing structures on the site and where the cumulative square footage of a development project exceeds 10,000 square feet, even though individual structures may be less than 10,000 square feet.

C. Timing of Site Plan and Architectural Approval. When required, Site Plan and Architectural Approval shall be granted before the issuance of the Building Permit or the establishment of a temporary open lot use.

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D. Site Plan and Architectural Approval process. The Site Plan and Architectural Approval process shall be conducted as follows.

1. **Application preparation, filing, initial processing.** An application for Site Plan and Architectural Approval shall be prepared, filed and processed in compliance with Chapter 17.38 (Application Filing and Processing).

2. **Application contents.** The application shall be made on forms furnished by the Department, and shall be accompanied by the information identified in the Department handout for Site Plan and Architectural Approval applications. It is the responsibility of the applicant to establish evidence in support of the findings required by Subsection E. (Findings and decision), below.

3. **Evaluation of proposal.** The review authority shall consider the design, location, site layout, and the overall effect of the proposed project upon surrounding properties and the City in general. The review shall compare the proposed project to applicable development standards, design guidelines, and other City regulations.

4. **Site Plan and Architectural Approval by the Director.** Decisions of the Director on Site Plan and Architectural Approval applications shall comply with Subsection E.; conditions of approval may be imposed in compliance with Subsection F.

   a. **Meeting.** A meeting shall not be required unless requested in writing by an interested party before the Director's action.

   b. **Director's action.** Specified applications for Site Plan and Architectural Approval, as identified in Table 4-2 (Applicability of Site Plan And Architectural Approval), above may be approved or disapproved by the Director.

   c. **Referral to SPARC.** The Director may defer action on a Site Plan and Architectural Approval application and instead refer the matter to the SPARC for review and decision.

5. **Site Plan and Architectural Approval by the SPARC.**

   a. **SPARC's decision.** Decisions of the SPARC on Site Plan and Architectural Approval applications shall comply with Subsection E. and conditions of approval may be imposed in compliance with Subsection F., below.

   b. **Notice and meeting.** Notice of the SPARC meeting shall be given in compliance with Chapter 17.74 (Public Hearings).

   c. **Site Plan and Architectural Approval.** An application for Site Plan and Architectural Approval shall be considered by the SPARC following approval of the project's land use entitlement by the applicable review authority.

E. Findings and decision. The applicable review authority may approve a Site Plan and Architectural Approval application only after first finding that:

1. The design and layout of the proposed project would:

a. Be consistent with the development and design standards/guidelines of the applicable zoning district;

b. Not interfere with the use and enjoyment of neighboring existing or future developments, and not create traffic or pedestrian hazards;

c. Maintain and enhance the attractive, harmonious, and orderly development contemplated by this Development Code; and

d. Provide a desirable environment for its occupants, neighbors, and visiting public through good aesthetic use of durable materials, texture, and color.

2. The proposed development:

a. Would not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity; and

b. Has been reviewed in compliance with the California Environmental Quality Act (CEQA) and the *Lodi Environmental Review Guidelines*.

F. Conditions of approval. In granting Site Plan and Architectural Approval, the review authority shall impose conditions as necessary to ensure compatibility with surrounding uses, and to preserve the public health, safety, and welfare. The conditions may include requirements regarding buffers, colors and materials, landscaping and maintenance, lighting, off-site improvements, parking, performance guarantees, property maintenance, signs, surfacing, traffic circulation, etc., deemed reasonable and necessary to ensure that the approval will comply with the findings required by Subsection E. (Findings and decision), above.

G. Post approval procedures. The procedures relating to appeals, changes, expiration, performance guarantees, and revocation that are identified in Article 6 (Development Code Administration), and those identified in Chapter 17.42 (Permit Implementation, Time Limits, and Extensions), shall apply following the decision on a Site Plan and Architectural Approval application.

17.40.030 - Temporary Use Permits

A. Purpose. This Section establishes procedures for the granting of Temporary Use Permits that allow short-term activities that may not meet the normal development or use standards of the applicable zoning district, but may be acceptable because of their temporary nature.

B. Applicability. Temporary land uses shall not be established, operated, or conducted in any manner without the approval and maintenance of a valid Temporary Use Permit in compliance with this Section. The following two categories of temporary uses identify the level of permit required, if any, based on the proposed duration, size, and type of use:

1. Exempt temporary uses are identified in Subsection C. (Exempt temporary uses), below; or

2. Temporary Use Permits are identified in Subsection D. (Allowed temporary activities), below.

C. Exempt temporary uses. The following minor and limited duration temporary uses are exempt from the requirement for a Temporary Use Permit. Uses that do not fall within the categories defined below shall comply with Subsection D. (Allowed temporary activities), below.

Permit Approval or Disapproval

1. **Car washes for fund raising.** Car washes, limited to a maximum of two days each month for each sponsoring organization, on non-residential properties. Sponsorship shall be limited to educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, or to tax exempt organizations in compliance with 501 (c) of the Federal Revenue and Taxation Code.

2. **Construction yards -- On-site.** On-site contractors' construction yards, in conjunction with an approved construction project on the same site. The construction yard shall be removed immediately upon completion of the construction project, or the expiration of the companion Building Permit authorizing the construction project, whichever first occurs.

3. **Emergency facilities.** Emergency public health and safety needs/land use activities.

4. **Garage sales.** Garage sales are exempt from the requirement for a Temporary Use Permit provided that sales occur no more often than two times per year per residence, for a maximum of three consecutive days each, or one time per year, for a maximum of six consecutive days each.

D. Allowed temporary activities. The following temporary uses may be allowed, subject to the issuance of a Temporary Use Permit by the Director. Uses that do not fall within the categories defined below shall comply with the use and development regulations and land use permit review provisions that otherwise apply to the property.

1. **Construction yards – Off-site.** Off-site contractors' construction yards, in conjunction with an approved construction project. The permit shall expire and the construction yard shall be removed immediately upon completion of the construction project, or the expiration of the companion Building Permit authorizing the construction project, whichever first occurs. (See also Subsection D.11, below, regarding temporary work trailers.)

2. **Events.** Outdoor events on private property including the following:

   a. Amusement rides, arts and crafts exhibits, auctions, carnivals, circuses, concerts, fairs, farmer's markets, festivals, flea markets, food events, outdoor entertainment/ sporting events, rodeos, rummage sales, second hand sales, swap meets, and tent revivals for 10 consecutive days or less, or six two-day weekends, within a 12-month period.

   b. Outdoor meetings, group activities, or sales within parking areas, for seven consecutive days or less, within a 180-day period.

3. **Outdoor displays/sales.** The temporary outdoor display/sales of merchandise (e.g., parking lot and sidewalk sales), in compliance with Section 17.36.080 (Outdoor Display and Retail Activities) shall be allowed only if the merchandise displayed is regularly sold on the same site. These activities shall be located immediately adjacent to the structure, and their duration shall not exceed three consecutive days within a 90-day period. Any sales activity proposed within a public right-of-way shall require an encroachment permit.

4. **Outdoor sales of flowers and produce.** The temporary outdoor sales of items (e.g., flowers, fruits, grapes, vegetables, etc.) grown on the subject property, in compliance with Section 17.36.080 (Outdoor Display and Retail Activities) which shall be allowed only if the property

is engaged in agricultural production for the duration of the temporary use. The maximum duration shall not exceed 180 consecutive days, within a one-year period.

5. **Residence.** A mobile home as a temporary residence of the property owner when a valid Building Permit for a new single-family dwelling is in force, or for temporary caretaker quarters during the construction of a subdivision, multi-family, or non-residential project. The permit may be approved for a specified duration, or upon expiration of the Building Permit, whichever first occurs.

6. **Seasonal sales lots.** Seasonal sales activities (for example, pumpkins, Christmas trees, etc.) including temporary residence/security trailers, on non-residential properties, for 45 days or less for each seasonal product, within a 12-month period.

7. **Temporary model homes.** Temporary model homes and related facilities may be established within the area of an approved residential subdivision project, solely for the first sale of homes.

8. **Temporary real estate sales offices.** A temporary real estate sales office may be established within the area of an approved development project, solely for the first sale of homes.

9. **Temporary structures.** A temporary classroom, office, or similar portable structure, including a manufactured or mobile unit, may be approved, for a maximum time period of 24 months, as an accessory use or as the first phase of a development project, in the commercial and industrial zoning districts.

10. **Temporary work trailers.**

    a. A trailer or mobile home may be used as a temporary work site for employees of a business:

        (1) During construction of a subdivision or other development project when a valid Building Permit is in force; or

        (2) Upon demonstration by the applicant that the temporary work site is a short-term necessity, while a permanent work site is being obtained.

    b. A permit for temporary work trailers may be granted for up to 24 months.

11. **Temporary outdoor sales.** Temporary outdoor sales events (e.g., car sales) may be allowed only when directly related to an approved "point of sale" within the City that will ensure that the City receives its appropriate sales tax.

12. **Similar temporary uses.** Similar temporary uses which, in the opinion of the Director, are compatible with the zoning district and surrounding land uses, and are necessary because of unusual or unique circumstances beyond the control of the applicant.

E. Application filing, processing, and review. An application for a Temporary Use Permit shall be filed with the Department and processed in the following manner:

1. **Application contents.** The application shall be made on forms furnished by the Department, and shall be accompanied by the information identified in the Department handout for

Temporary Use Permit applications. It is the responsibility of the applicant to establish evidence in support of the findings required by Subsection G. (Findings and decision), below.

2. **Time for filing.** An application for a Temporary Use Permit shall be submitted for approval at least **10 days before** the date that the proposed use is scheduled to take place.

3. **Public hearing not required.** A public hearing shall not be required for a decision on a Temporary Use Permit.

F. Standards. Standards for floor areas, heights, landscaping, parking, setbacks, and other structure and property development standards that apply to the category of use or the zoning district of the subject site shall be used as a guide for determining the appropriate development standards for temporary uses.

1. **Adjustment of standards.** The Director may authorize an adjustment from the specific standards deemed necessary or appropriate consistent with the temporary nature of the use.

2. **Removal of materials and structures associated with the temporary use.** All materials and structures associated with the temporary use shall be removed within 10 days from the actual termination of operations, or after the expiration of the Temporary Use Permit, whichever first occurs.

3. **Other permits required.** Temporary uses may be subject to additional licenses, inspections, or permits required by applicable local, State, or Federal requirements.

G. Findings and decision.

1. A Temporary Use Permit may be approved, modified, conditioned, or disapproved by the Director, without the requirement for a noticed pubic hearing.

2. The Director may defer action and refer the application to the Commission for review and decision at a scheduled public hearing.

3. The Director may approve or conditionally approve a Temporary Use Permit application, only after first finding that:

   a. The establishment, maintenance or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use;

   b. The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City;

   c. Approved measures for the removal of the use and site restoration have been required to ensure that no changes to the site would limit the range of possible future land uses otherwise allowed by this Development Code; and

   d. The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA).

Permit Approval or Disapproval

H. Conditions of approval. In approving a Temporary Use Permit, the Director may impose conditions (e.g., buffers, hours of operation, landscaping and maintenance, lighting, off-site improvements, parking, performance guarantees, property maintenance, signs, surfacing, time limits, traffic circulation, etc.) deemed reasonable and necessary to ensure that the approval would be in compliance with the findings required by Subsection G. (Findings and decision), above.

I. Condition of site following temporary use. Each site occupied by a temporary use shall be cleaned of debris, litter, or any other evidence of the temporary use upon completion or removal of the use, and shall thereafter be used in compliance with the provisions of this Development Code. The review authority may require appropriate security before initiation of the use to ensure proper cleanup after the use is finished.

J. Post approval procedures. The procedures relating to appeals, changes, expiration, performance guarantees, and revocation that are identified in Article 6 (Development Code Administration), and those identified in Chapter 17.42 (Permit Implementation, Time Limits, and Extensions), shall apply following the decision on a Temporary Use Permit application.

17.40.040 - Use Permits and Minor Use Permits

A. Purpose. A Use Permit or Minor Use Permit provides a process for reviewing uses and activities that may be appropriate in the applicable zoning district, but whose effects on a site and surroundings cannot be determined before being proposed for a specific site. The procedures of this Section provide for the review of the configuration, design, location, and potential impacts of the proposed use, to evaluate the compatibility of the proposed use with surrounding uses and the suitability of the use to the site.

B. Applicability.

1. A Use Permit or Minor Use Permit is required to authorize proposed land uses and activities identified by Article 2 (Land Use and Development Standards) as being allowable in the applicable zoning district subject to the approval of a Use Permit or Minor Use Permit; and

2. A Use Permit is required to allow the extension of a use for not more than 50 feet into a more restricted zoning district where the boundary line divides a “parcel of record” as defined in Article 7 (Definitions).

C. Review authority.

1. Use Permits. Use Permits shall be approved or disapproved by the Commission.

2. Minor Use Permits. Minor Use Permits shall be approved or disapproved by the Director.

a. The Director may choose to refer any Minor Use Permit application to the Commission for hearing and decision.

b. A Minor Use Permit application shall be determined exempt from the California Environmental Quality Act (CEQA) in compliance with State law and the *Lodi Environmental Review Guidelines* or it shall be processed as a Use Permit.

D. Application filing and processing. An application for a Use Permit or Minor Use Permit shall be filed and processed in compliance with Chapter 17.38 (Application Filing and Processing).

Permit Approval or Disapproval

E. Project review, notice, and hearing. Each application shall be reviewed by the Director to ensure that the proposal complies with all applicable requirements of this Development Code.

1. Use Permit. The Commission shall conduct a public hearing on an application for a Use Permit before a decision on the application. Notice of the hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 17.74 (Public Hearings).

2. Minor Use Permit. Before a decision on a Minor Use Permit, the public notice shall be provided in compliance with Chapter 17.74 (Public Hearings), and as follows.

a. Public notice. The notice shall state that the Director will decide whether to approve or disapprove the Minor Use Permit application on a date specified in the notice, and that a public hearing will be held only if requested in writing by any interested person before the specified date for the decision.

b. Hearing. When a hearing is requested, notice of the hearing shall be provided in compliance with Chapter 17.74, and the Director shall conduct the public hearing before a decision on the application in compliance with Chapter 17.74.

F. Findings and decision. Following a public hearing, the Commission may approve or disapprove an application for a Use Permit. The Commission shall record the decision and the findings upon which the decision is based. The Commission may approve a Use Permit only after first finding that:

1. The proposed use is allowed with a Use Permit within the applicable zoning district and complies with all applicable provisions of this Development Code;

2. The proposed use is consistent with the General Plan and any applicable specific plan;

3. The location, size, design and operating characteristics of the use or development is compatible with and shall not adversely affect or be materially detrimental to the health, safety, or welfare of persons residing or working in the area, or be detrimental or injurious to public or private property or improvements;

4. The location, size, design, and operating characteristics of the proposed use would be compatible with the existing and future land uses in the vicinity; and

5. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and the *Lodi Environmental Review Guidelines*.

G. Conditions of approval. In approving a Use Permit, the Commission may impose conditions (e.g., buffers, hours of operation, landscaping and maintenance, lighting, off-site improvements, parking, performance guarantees, property maintenance, signs, surfacing, time limits, traffic circulation, etc.) deemed reasonable and necessary to ensure that the approval would be in compliance with the findings required by Subsection F. (Findings and decision), above.

H. Post approval procedures. The procedures relating to appeals, changes, expiration, performance guarantees, and revocation that are identified in Article 6 (Development Code Administration), and those identified in Chapter 17.42 (Permit Implementation, Time Limits, and Extensions), shall apply following the decision on a Use Permit application.

Permit Approval or Disapproval

17.40.050 – Variances and Administrative Deviations

A. Purpose. The provisions of this Section allow for Variances from the development standards of this Development Code.

1. Special privileges prohibited.

a. A Variance may only be granted when, because of special circumstances applicable to the property, including location, shape, size, surroundings, topography, or other conditions, the strict application of this Development Code denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts, or creates an unnecessary, and non-self created, hardship or unreasonable regulation which makes it obviously impractical to require compliance with the development standards.

b. A Variance shall not be granted that would have the effect of granting a special privilege not shared by other property owners in the vicinity and under identical zoning districts, or which is contrary to the public convenience, health, interest, safety, or welfare.

2. Does not extend to uses. The power to grant Variances does not extend to allowable land uses; flexibility in allowable land uses is provided in Section 17.40.040 (Use Permits).

B. Review authority. Variances may be granted in compliance with the following:

1. Director. The Director may grant Administrative Deviations, or may defer action and refer the application to the Commission, in compliance with Subsection D., below, and State law (Government Code Section 65901).

2. Commission. The Commission may grant Variances in compliance with Subsection D.

C. Allowable Administrative Deviations. The Director may approve an application for an Administrative Deviation from the development standards identified in Table 4-3, below, and for the sign standards of Chapter 17.34 (Signs) as provided in Section 17.34.080 (Exceptions to Sign Area Standards).

Permit Approval or Disapproval

TABLE 4-3 - ALLOWABLE ADMINISTRATIVE DEVIATIONS

Types of Administrative Deviations Allowed		Maximum Adjustment
1.	**Area requirements.** A decrease in the minimum area requirements. (Not including minimum parcel area requirements - see number 6., below.)	**15 percent**
2.	**Fence or wall height.** An increase in the maximum allowable height of a fence or wall, in compliance with Section 17.30.080 (Walls, Fences, and Hedges)	**Up to a 2 foot increase**
3.	**Floor Area Ratio (FAR).** An increase in the maximum allowable FAR.	**10 percent**
4.	**Landscaping area.** A decrease in the minimum landscaping area requirements.	**20 percent**
5.	**Loading.** A decrease in the number of required loading spaces, but not exceeding two spaces.	**30 percent**
6.	**Parcel area.** A decrease in the minimum required parcel area.	**10 percent**
7.	**Parcel coverage.** An increase in the maximum allowable parcel coverage.	**10 percent**
8.	**Parcel depth or width.** A decrease in the minimum required parcel depth or width, only when the total parcel area requirements are met.	**10 percent**
9.	**Parking.** A decrease in the number of required parking spaces (Not exceeding 2 spaces.)	**25 percent**
10.	**Parking lot standards.** A decrease in the minimum parking lot standards (e.g., aisle, driveway, and space widths).	**30 percent**
11.	**Projections.** An increase in the allowable projection of canopies, cornices, eaves, fireplaces, landings, masonry chimneys, overhangs, raised porches, stairways, and steps into a required setback areas, but no closer than 3 feet to any property line.	**20 percent**
12.	**Setback areas.** A decrease in the required setbacks.	
	Front setback: But no closer to the front property line than 10 feet.	**40 percent**
	Side setbacks: But no closer to the side property lines than 3 feet.	**40 percent**
	Rear setback: But no closer to the rear property line than 5 feet.	**30 percent**
13.	**Signs.** An increase in the maximum allowable sign area or height.	**10 percent**
14.	**Structure height.** An increase in the maximum allowable structure height, but not to exceed an increase of five feet.	**30 percent**
15.	**Other standards.** The Director shall also be allowed to vary other standards including minor operational/ performance standards relating to dust, glare, hours of operation, landscaping, light, noise, etc.	**25 percent**
16.	**Required Variance.** A request which exceeds the limitations identified in this Subsection shall require the filing of a Variance application in compliance with Subsection D., below.	

D. **Variances.** The Commission may grant an adjustment from the requirements of this Development Code governing **only** the following development standards:

1. **Development standards.** Any development standard identified in Subsection C. (Allowable Administrative Deviations), above where the requested adjustment exceeds the maximum limits for an Administrative Deviation;

2. **Dimensional standards.** Dimensional standards including distance-separation requirements, fence and wall requirements, landscape and paving requirements, lighting, loading spaces, parcel area, parcel dimensions, parking areas, open space, setbacks, structure heights, etc.;

3. **Numerical standards.** Number of off-street parking spaces, loading spaces, landscaping, etc;

4. **Signs.** Sign regulations (other than **prohibited** signs);

5. **Alteration, enlargement, or reconstruction of nonconformities.** To allow the alteration or enlargement of a nonconforming use, or the alteration, enlargement, or reconstruction of a structure in which a nonconforming use is conducted, when the changes (e.g., alteration, enlargement, or reconstruction) would be of distinct benefit to the zoning district in which the use or structure is located; and

6. **Other.** Other standards including operational/performance standards relating to dust, glare, hours of operation, landscaping, light, noise, number of employees, etc.

E. Application requirements. An application for a Variance shall be filed in compliance with Chapter 17.38 (Application Filling and Processing). The application shall be accompanied by the information identified in the Department handout for Variance applications. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection G. (Findings and decision), below.

F. Notice and hearings.

1. **Administrative Deviations.** A public hearing shall NOT be required for the Director's decision on an Administrative Deviation.

2. **Variances.**

   a. A public hearing shall be required for all Variances, which shall be considered by the Commission.

   b. A public hearing shall be scheduled once the Director has determined the application complete.

   c. Noticing of the public hearing shall be given in compliance with Chapter 17.74 (Public Hearings).

G. Findings and decision. The applicable review authority shall record the decision in writing with the findings on which the decision is based. Following a public hearing, if required, the review authority may approve a Variance application, with or without conditions, only after first finding that:

1. There are special circumstances applicable to the subject property (e.g., location, shape, size, surroundings, topography, or other conditions), so that the strict application of this Development Code denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts or creates an unnecessary and non-self created hardship or unreasonable regulation which makes it obviously impractical to require compliance with the development standards;

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2. Granting the Variance would:

   a. Be necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zoning district, and denied to the subject property owner;

   b. Be consistent with the actions, goals, objectives, and policies of the General Plan and any applicable specific plan;

   c. Not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel and will not constitute a grant of special privileges inconsistent with the limitations on other properties in the vicinity and in the same zoning district; and

   d. Not be materially detrimental to the public convenience, health, interest, safety, or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located.

3. The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the *Lodi Environmental Review Guidelines*.

H. Compliance with findings. In approving a Variance, the review authority may impose conditions (e.g., buffers, landscaping and maintenance, lighting, off-site improvements, parking, performance guarantees, property maintenance, signs, surfacing, traffic circulation, etc.) deemed reasonable and necessary to:

1. Compliance with Section. Ensure compliance with the general purpose of this Section, and the actions, goals, objectives, and policies of the General Plan and any applicable specific plan;

2. Special privileges prohibited. Ensure that the Variance does not grant special privileges inconsistent with the limitations on other properties in the vicinity and zoning district in which the property is located;

3. Compliance with findings. Ensure that the approval would be in compliance with the findings required by Subsection G. (Findings and decision), above; and

4. Protect interests. Protect the best interests of the surrounding property or neighborhood.

I. Post approval procedures. The procedures relating to appeals, changes, expiration, performance guarantees, and revocation that are identified in Article 6 (Development Code Administration), and those identified in Chapter 17.42 (Permit Implementation, Time Limits, and Extensions), shall apply following the decision on a Variance application.

17.40.060 - Planned Development Permits

A. Purpose. Planned Development Permits are intended to promote and encourage flexibility in the City's residential, commercial, and industrial zoning districts relating to property development, design, and open space areas, while protecting the public health, safety, general welfare, integrity, and character of the City, and ensuring consistency with the General Plan and any applicable specific plan.

Permit Approval or Disapproval

1. Projects proposed through Planned Development Permit applications are encouraged and expected to produce a comprehensive development of greater quality than that normally resulting from more traditional development.

2. Project review shall determine whether the Planned Development Permit should be approved by weighing the public need for, and the benefits to be derived from, the proposed project against the potential negative effects it may cause.

B. Applicability. An application for a Planned Development Permit shall be considered by the Commission and shall be available, at the discretion of the applicant, for development within all zoning districts of the City.

1. Land use activity. A Planned Development Permit may not authorize a land use activity that is not allowed in the subject zoning district.

2. General Plan compliance. Strict compliance with the purpose and intent of the General Plan and any applicable specific plan shall be required.

3. Modify standards.

a. The permit may adjust or modify, where necessary and justifiable, all applicable development standards (e.g., building envelope [coverage, height, and setbacks], fence and wall heights, landscaping, off-street parking [design and ratios], open space, street layout, etc.) identified in this Development Code, with the exception of an increase in the applicable density/intensity provisions.

b. Residential development projects with increased density or intensity standards may only be approved by the Council in compliance with State law (Government Code Section 65915).

C. Application filing and processing. An application for a Planned Development Permit shall be filed and processed in compliance with Chapter 17.38 (Application Filing and Processing).

D. Project review, notice, and hearing.

1. Each Planned Development Permit application shall be analyzed by the Director to ensure that the application is consistent with the purpose and intent of this Section. The Director shall submit a staff report and recommendation to the Commission for their consideration.

2. The Commission shall conduct a public hearing on an application for a Planned Development Permit before the approval or disapproval of the permit.

3. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 17.74 (Public Hearings).

E. Findings and decision. Following a public hearing, the Commission may approve or disapprove an application for a Planned Development Permit. The Commission shall record the decision and the findings upon which the decision is based. The Commission may approve a Planned Development Permit only after first finding that:

Permit Approval or Disapproval

1. The proposed development is:

   a. Allowed within the subject base zoning district;

   b. Generally in compliance with all of the applicable provisions of this Development Code relating to both on- and off-site improvements that are necessary to accommodate flexibility in site planning and property development and to carry out the purpose, intent, and requirements of the respective base zoning district, including prescribed development standards and applicable design guidelines; and

   c. Consistent with the General Plan and any applicable specific plan.

2. The proposed project would produce a comprehensive development of superior quality (e.g., appropriate variety of structure placement and orientation opportunities, appropriate structure sizes, high quality architectural design, increased amounts of landscaping and open space, improved solutions to the design and placement of parking facilities, etc.) than which might otherwise occur from more traditional development applications and would provide a clear benefit to the City;

3. The design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle access and public services and utilities (e.g., drainage, fire protection, sewers, water, etc.), would ensure that the proposed development would not endanger, jeopardize, or otherwise constitute a hazard to the public health, safety, or general welfare, or injurious to the property or improvements in the vicinity and base zoning district in which the property is located;

4. The subject site is:

   a. Physically suitable for the type and density/intensity of development being proposed;

   b. Adequate in shape and size to accommodate the use and all fences and walls, landscaping, loading, open space, parking, yards, and other features generally required by this Development Code and necessary to support the proposed development; and

   c. Served by streets adequate in width and pavement type to carry the quantity and type of traffic expected to be generated by the proposed development.

5. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

F. Conditions of approval. In approving a Planned Development Permit, the Commission may impose conditions (e.g., buffers, landscaping and maintenance, lighting, off-site improvements, parking, performance guarantees, property maintenance, signs, surfacing, traffic circulation, etc.) deemed reasonable and necessary to ensure that the approval would be in compliance with the findings required by Subsection E. (Findings and decision), above.

G. Post approval procedures. The procedures relating to appeals, changes, expiration, performance guarantees, and revocation that are identified in Article 6 (Development Code Administration), and those identified in Chapter 17.42 (Permit Implementation, Time Limits, and Extensions), shall apply following the decision on a Planned Development Permit application.

Permit Approval or Disapproval

17.40.070 - Certificates of Occupancy

A. Purpose. The provisions of this Section allow for issuance of a Certificate of Occupancy authorizing the use of land or structures in compliance with this Development Code.

B. Applicability. Vacant land shall not be used or occupied, except for agricultural purposes, and no structure shall be altered, erected, moved, occupied, or used until a Certificate of Occupancy has been issued by the Director or his designee.

C. Procedural requirements.

1. A Certificate of Occupancy for the use of vacant land or for a change in the character of the use of land, as provided in this Section, except for agricultural purposes, shall be applied for before the land is occupied or used.

2. The Certificate of Occupancy shall be issued within five days after the application has been made; provided, the use is in compliance with the provisions of this Development Code.

3. A Certificate of Occupancy for a new structure or the alteration, conversion, or reconstruction of an existing structure shall be applied for together with the application for Building Permit. The Certificate shall be issued, if after inspection it is found that the structure complies with the provisions of this Development Code and all other the applicable requirements of law or ordinance.

4. A temporary Certificate may be issued for the temporary use of a portion of the structure before the completion and occupancy of the entire structure. However, the temporary Certificate shall only be issued under restrictions and provisions that will adequately ensure the safety of the occupants.

5. The Certificate of Occupancy shall state that the structure or proposed use of a structure or land is in compliance with all applicable City, State, and Federal laws and regulations.

6. Copies of all Certificates shall be kept on file in the Community Development Department for public inspection, with copies of a Certificate furnished on request, to any person having a proprietary or tenant interest in the structure.

7. Fees shall not be charged for a Certificate of Occupancy.

CHAPTER 17.42 - PERMIT IMPLEMENTATION, TIME LIMITS, AND EXTENSIONS

Sections:

17.42.010 - Purpose of Chapter
17.42.020 - Effective Dates
17.42.030 - Performance Guarantees
17.42.040 - Time Limits and Extensions
17.42.050 - Changes to an Approved Project
17.42.060 - Permits to Run with the Land
17.42.070 - Resubmittals
17.42.080 - Covenants of Easement

17.42.010 - Purpose of Chapter

This Chapter provides requirements for the implementation or "exercising" of the permits required by this Development Code, including time limits, and procedures for extensions of time.

17.42.020 - Effective Dates

The approval of a land use permit (e.g., Site Plan and Architectural Approval, Planned Development Permit, Temporary Use Permit, Use Permit, or Variance) shall become effective on the 11th business day following the date of application approval by the appropriate review authority, where no appeal of the review authority's action has been filed in compliance with Chapter 17.70 (Appeals).

17.42.030 - Performance Guarantees

A permit applicant may be required by conditions of approval or by action of the Director to provide adequate security to guarantee the faithful performance and proper completion of any approved work, and/or compliance with conditions of approval imposed by the review authority. The provisions of this Section apply to performance guarantees for projects authorized by any of the land use permits required by this Development Code.

A. **Form and amount of security.** The required security shall be in a form approved by the Director, upon recommendation of the City Attorney. The amount of security shall be as determined by the Director to be necessary to ensure proper completion of the work and/or compliance with conditions of approval.

B. **Security for maintenance.** In addition to any improvement security required to guarantee proper completion of work, the Director may require security for maintenance of the work, in an amount determined by the Director to be sufficient to ensure the proper maintenance and functioning of improvements.

C. **Duration of security.** Required improvement security shall remain in effect until final inspections have been made and all work has been accepted by the Director, or until any warranty period required by the Director has elapsed. Maintenance security shall remain in effect for one year after the date of final inspection.

D. Release or forfeit of security.

1. Upon satisfactory completion of work and the approval of a final inspection (or after the end of the required time for maintenance security), the improvement and/or maintenance deposits or bonds shall be released.

2. Upon failure to complete the work, failure to comply with all of the terms of any applicable permit, or failure of the completed improvements to function properly, the City may do the required work or cause it to be done, and collect from the permittee or surety all the costs incurred by the City, including the costs of the work, and all administrative and inspection costs.

3. Any unused portion of the security shall be refunded to the funding source after deduction of the cost of the work by the City.

17.42.040 - Time Limits and Extensions

A. Time limits.

1. Unless conditions of approval or other provisions of this Development Code establish a different time limit, any permit or approval granted in compliance with Chapter 17.40 (Permit Approval or Disapproval) that is not exercised within 2 years of its approval shall expire and become void, except where an extension of time is approved in compliance with Subsection B, below.

2. The permit shall not be deemed "exercised" until the permittee has commenced actual construction (after obtaining any required construction permit) or has actually commenced the allowed use on the subject site in compliance with the conditions of approval.

3. For the purposes of this Development Code, actual construction shall mean the placing of construction materials in a permanent manner, excavation of a basement, or demolition of existing structures preparatory to rebuilding; provided, that in all cases construction work shall be diligently pursued until completion of the subject structure(s).

4. The land use permit shall remain valid after it has been exercised as long as a Building Permit is active for the project, or a final building inspection or Certificate of Occupancy has been granted.

5. If a project is to be developed in approved phases, each subsequent phase shall be exercised within 2 years from the date that the previous phase was exercised, unless otherwise specified in the permit, or the permit shall expire and be deemed void. If the project also involves the approval of a Tentative Map, the phasing shall be consistent with the Tentative Map and the permit shall be exercised before the expiration of the Tentative Map, or the permit shall expire and be deemed void.

B. Extensions of time. Upon request by the applicant, the review authority may extend the time for an approved permit to be exercised in the following manner.

1. The applicant shall file a written request for an extension of time with the Department at least 10 days before the expiration of the permit, together with the filing fee required by the Council's Fee Resolution.

2. The burden of proof is on the permittee to establish with substantial evidence that the permit should not expire. If the review authority determines that the permittee has proceeded in good faith and has exercised due diligence in complying with the conditions in a timely manner, the review authority may grant a time extension for up to an additional 1 year from the date of the decision to extend the permit, provided that the review authority first finds that:

   a. The proposed extension is consistent with the General Plan, and any applicable specific plan, and the overall project remains consistent with those plans as they exist at the time the extension request is being considered; and

   b. There are adequate provisions for public services and utilities (e.g., access, drainage, fire protection, sewers, water, etc.), to ensure that the proposed change would not endanger, jeopardize, or otherwise constitute a hazard to the public health, safety, or general welfare, or be injurious to the property or improvements in the vicinity and applicable zoning district.

3. No more than **one** time extension shall be granted.

C. Hearing on expiration. At the request of the applicant, the review authority may hold a hearing on any proposed expiration of a permit, in compliance with Chapter 17.74 (Public Hearings).

17.42.050 - Changes to an Approved Project

A new development project or land use authorized through a permit granted in compliance with this Development Code shall be established only as approved by the review authority and subject to any conditions of approval, except where changes to the project are approved in compliance with this Section.

A. Request for change. An applicant shall request desired changes in writing, and shall also furnish appropriate supporting materials and an explanation of the reasons for the request. Changes may be requested either before or after construction or establishment and operation of the approved use.

B. Minor changes. The Director may approve changes to an approved site plan, architecture, or the nature of the approved use if the changes:

1. Are consistent with all applicable provisions of this Development Code;

2. Do not involve a feature of the project that was specifically addressed in, or was a basis for findings in a negative declaration or environmental impact report for the project;

3. Do not involve a feature of the project that was specifically addressed in, or was a basis for conditions of approval for the project or that was a specific consideration by the review authority in the approval of the permit; and

4. Do not expand the approved floor area or any outdoor activity area by 10 percent or more over the life of the project.

C. Major changes. Changes to the project that do not comply Subsection B, above, shall only be approved by the review authority through a new permit application.

17.42.060 - Permits to Run with the Land

A land use permit granted in compliance with this Chapter shall continue to be valid upon a change of ownership (e.g., of the site, structure, or use that was the subject of the permit application), provided that the use remains in compliance with all applicable provisions of this Development Code and any conditions of approval.

17.42.070 - Resubmittals

A. Resubmittals prohibited within 12 months. For a period of 12 months following the disapproval or revocation/modification of a discretionary land use permit, entitlement, or amendment granted in compliance with this Development Code, no application for the same or substantially similar discretionary permit, entitlement, or amendment for the same site shall be filed.

B. Director's determination. The Director shall determine whether the new application is for a discretionary land use permit or other approval which is the same or substantially similar to the previously disapproved or revoked permit, entitlement, or amendment.

C. Appeal. The determination of the Director may be appealed to the Commission, in compliance with Chapter 17.70 (Appeals).

D. Council waiver. The Council may waive the prohibition in Subsection A, above if the Council finds that by reason of changed legal, physical, or sociological circumstances, reconsideration would be in the best interests of the City.

17.42.080 - Covenants of Easements

A. Applicability. When necessary to achieve the land use goals of the City, the City may require a property owner holding property in common ownership to execute and record a Covenant of Easement in favor of the City, in compliance with Government Code Sections 65870 et seq.

1. A Covenant of Easement may be required to provide for emergency access, landscaping, light and air access, ingress and egress, parking, solar access, or for open space.

2. The Covenant of Easement may be imposed as a condition of approval by the review authority.

B. Form of covenant. The form of the Covenant shall be approved by the City Attorney, and the Covenant of Easement shall:

1. Describe the real property to be subject to the easement;

2. Describe the real property to be benefited by the easement;

3. Identify the City approval or permit granted which relied on or required the Covenant; and

4. Identify the purpose(s) of the easement.

C. Recordation. The Covenant of Easement shall be recorded in the County Recorder's Office.

D. Effect of covenant. From and after the time of its recordation, the Covenant of Easement shall:

1. Act as an easement in compliance with State law (Chapter 3 (commencing with Section 801) of Title 2 of Part 2 of Division 2 of the Civil Code), except that it shall not merge into any other interest in the real property. Civil Code Section 1104 shall be applicable to the conveyance of the affected real property; and

2. Impart notice to all persons to the extent afforded by the recording laws of the State. Upon recordation, the burdens of the Covenant shall be binding on, and the Covenant shall benefit, all successors-in-interest to the real property.

E. Enforceability of covenant. The Covenant of Easement shall be enforceable by the successors-in-interest to the real property benefited by the Covenant and the City. Nothing in this Section creates standing in any person, other than the City, and any owner of the real property burdened or benefited by the Covenant, to enforce or to challenge the Covenant or any requested amendment or release.

F. Release of covenant. The release of the Covenant of Easement may be effected by the Commission, or the Council on appeal, following a noticed public hearing in compliance with Chapter 17.74 (Public Hearings).

1. The Covenant of Easement may be released by the City, at the request of any person, including the City or an affected property owner, on a finding that the Covenant, on the subject property, is no longer necessary to achieve the land use goals of the City.

2. A notice of the release of the Covenant of Easement shall be recorded by the Director with the County Recorder's Office.

G. Fees. The City shall impose fees to recover the City's reasonable cost of processing a request for a release. Fees for the processing shall be established by the Council's Fee Resolution.

CHAPTER 17.44 – DEVELOPMENT AGREEMENTS

Sections:

17.44.010 - Purpose of Chapter
17.44.020 – Application Requirements
17.44.030 – Hearing Notice
17.44.040 – Review by Planning Commission
17.44.050 – Council Hearing
17.44.060 – Amendment or Cancelation
17.44-070 – Recordation of Agreement, Amendment or Cancelation
17.44.080 – Periodic Review

17.44.010 – Purpose of Chapter

This Chapter is adopted in compliance with the provisions of California Government Code Sections 65864 through 65869.5.

17.44.020 - Application Requirements

A. **Eligibility to Apply.** Only a qualified applicant may file an application to enter into a development agreement. A qualified applicant is a person who has legal or equitable interest in the real property that is the subject of the development agreement. The Director may require an applicant to submit proof of the applicant's interest in the real property and of the authority of any agent to act for the applicant. Before processing the application, the Director may obtain the opinion of the City Attorney as to the sufficiency of the applicant's interest in the real property to enter into the agreement.

B. **Application Content.** The Director shall prescribe the form for each application along with a processing fee as adopted by the City Council. The Director may require an applicant to submit such information and supporting data as the Director considers necessary to process the application.

C. **Form of Agreement.** Each application shall be accompanied by the form of standard development agreement established by the City and approved by the Council with any additional alternatives, modifications or changes proposed by the applicant.

17.44.030 - Hearing Notice

The Director shall give notice of the City's intention to consider adoption of a development agreement in conjunction with any other public hearing required by law or this Ordinance, at least ten (10) days prior to the hearing date. The form, content, and method of providing notice shall be consistent with notice requirements in Section 17.74.020 of this Development Code.

17.44.040 - Review by Planning Commission

After a hearing by the Planning Commission, which may be held in conjunction with other required hearings for the project including amendments to the general plan, rezonings, subdivision maps, or conditional use permits, the Planning Commission shall make its recommendation in writing to the Council. The recommendation shall include consideration of the following:

A. Consistency with the objectives, policies, general land uses and programs specified in the General Plan and any applicable specific plan;

B. Consistency with the provisions of this Development Code

C. Conformity with public health, safety and general welfare;

D. The affect on the orderly development of property or the preservation of property values; and

E. Whether the provisions of the Agreement shall provide sufficient benefit to the City to justify entering into the Agreement.

17.44.050 - Council Hearing

Following notice as provided by Section 17.44.030 above, the Council shall hold a public hearing. It may accept, modify or disapprove the recommendation of the Planning Commission. The Council shall not approve the development agreement unless it finds that the provisions of the agreement are consistent with the General Plan and any applicable specific plan. If the Council approves the development agreement, it shall do so by the adoption of an ordinance. After the ordinance approving the development agreement takes effect, the City may enter into the agreement.

17.44.060 - Amendment or Cancellation

Either party may propose an amendment to, or cancellation in whole or in part, of an executed development agreement. If proposed by the developer, the procedure for proposing and adoption of an amendment to or cancellation in whole or in part of the development agreement shall be the same as the procedure for entering into an agreement in the first instance. However, where the City initiates the proposed amendment to or cancellation of the development agreement, it shall first give at least thirty (30) days notice to the property owner of its intention to initiate such proceedings in advance of the giving of public notice of hearing.

17.44.070 - Recordation of Agreement, Amendment or Cancellation

A. Within ten (10) days after the City enters into the development agreement, the City Clerk shall have the agreement recorded with the County Recorder.

B. If the parties to the agreement or their successors in interest amend or cancel the agreement as provided in Government Code Section 65865.1 for failure of the application to comply in good faith with the terms or conditions of the agreement, the City Clerk shall likewise have record notice of such action with the County Recorder.

17.44.080 - Periodic Review

The City shall review the development agreement every twelve (12) months from the date the agreement is entered into.

A. The Director shall begin the review proceeding by giving notice that the City intends to undertake a periodic review of the development agreement to the property owner. The Director shall give the notice at least thirty (30) days before the date when the matter shall be considered by the Council.

B. The Council shall receive the Director's report at a regularly scheduled City Council meeting. A public hearing may be held but is not required. At the meeting, the property owner must demonstrate good faith compliance with the terms of the agreement. The burden of proof on this issue is upon the property owner. If a public hearing is held, notice of the hearing shall be given as provided above by Section 17.44.030 above.

C. The Council shall determine whether or not the property owner has, for the period under review, complied in good faith with the terms and conditions of the agreement.

D. If the Council finds and determines that the property owner has complied in good faith with the terms and conditions of the agreement during the period under review, the review for that period is concluded. If the Council finds and determines that the property owner has not complied in good faith with the terms and conditions of the agreement during the period under review, the Council shall order the property owner to cure the default within sixty (60) days. If the property owner fails to do so, the Council may modify or terminate the agreement.

ARTICLE 5

Subdivisions

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CHAPTER 17.46 - APPLICABILITY AND ADMINISTRATION OF SUBDIVISION REGULATIONS

Sections:

17.46.010 - Purpose of Article
17.46.020 - Authority
17.46.030 - Applicability
17.46.040 - Responsibility for Administration
17.46.050 - Advisory Agency
17.46.060 - Authority for Subdivision Decisions

17.46.010 - Purpose of Article

The provisions of this Article constitute the City of Lodi Subdivision Regulations. These provisions are intended to supplement, implement, and work with the Subdivision Map Act, Sections 66410 et seq. of the California Government Code (hereafter referred to as the "Map Act"). This Article is not intended to replace the Map Act, and must be used in conjunction with the Map Act in the preparation of subdivision applications, and the review, approval, and improvement of proposed subdivisions.

17.46.020 - Authority

This Article is adopted in compliance with the Map Act as a local ordinance, as the term is used in the Map Act. All provisions of the Map Act and future amendments to the Map Act not incorporated in this Article shall, nevertheless, apply to all subdivision maps and proceedings under this Article.

17.46.030 - Applicability

A. **Subdivision approval required.** All subdivisions within the City shall be authorized through a map or other approval in compliance with Chapter 17.48 (Subdivision Map Approval Requirements), and all other applicable provisions of this Article.

B. **Conflicts with Map Act.** In the event of any conflicts between the provisions of this Article and the Map Act, the Map Act shall control.

C. **Compliance with other regulations required.** The approval or conditional approval of a subdivision map shall not authorize or be deemed to authorize an exception or deviation from any zoning regulation in this Development Code, or as an approval to proceed with any development in violation of other applicable provisions of the Municipal Code or other applicable ordinances or regulations of the City.

D. **Exceptions.** This Part shall not apply to the following:

1. The financing or leasing of apartments, offices, stores, or similar spaces within apartment, commercial, or industrial structures, mobile home parks, or trailer parks (Section 66412(a));

2. Gas, mineral, or oil leases (Section 66412 (b));

3. Boundary line or exchange agreements to which the State Lands Commission or a local agency holding a trust grant of tide and submerged lands is a party (Section 66412(e));

4. Any separate assessment in compliance with State Revenue and Taxation Code Section 2188.7 (Section 66412(f));

5. The leasing of or the granting of an easement to a parcel of land or any portion(s) of the land, in conjunction with the erection, financing, and sale or lease of a wind-powered electrical generation device on the land, if the project is subject to discretionary action by the City (Section 66412(i));

6. The financing or leasing of any parcel of land, or any portion of the land, in conjunction with the construction of commercial or industrial structures on a single parcel, unless the project is not subject to review under other City ordinances regulating design and improvements (Section 66412.1(a));

7. The financing or leasing of existing separate commercial or industrial structures on a single parcel (Section 66412.1(b))

8. The construction, financing, or leasing of a second dwelling unit under Government Code Sections 65852.1 and 65852.2, but this Development Code shall apply to the sale or ownership transfer of the second dwelling unit (Section 66412.2;)

9. Leasing of agricultural land for agricultural purposes (e.g., the cultivation of food or fiber, and grazing or pasturing of livestock) (Section 66412(k));

10. Subdivisions of four parcels or less for the construction of removable commercial structures having a floor area of less than 100 square feet (Section 66412.5);

11. The subdivision of a portion of the operating right-of-way of a railroad corporation (defined in Public Utilities Code Section 230) which is created by a short-term lease (terminable by either party on not more than 30 days notice in writing) (Section 66428);

12. Land conveyed to or from a governmental agency, public entity, public utility, or land conveyed to a subsidiary of a public utility for right-of-way, unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates a parcel map. “Land conveyed to or from a governmental agency” includes a fee interest, a leasehold interest, an easement, or a license (Sections 66428 and 66426.5); and

13. The leasing or licensing of a portion of a parcel, or the granting of an easement, Use Permit, or similar right to a telephone corporation exclusively for the placement and operation of cellular radio transmission facilities, if the action is subject to discretionary action by the City (Section 66412(j)).

17.46.040 - Responsibility for Administration

The Community Development Director and Public Works Director are authorized and directed to administer and enforce the provisions of this Article and applicable provisions of the Map Act for subdivisions within the City, except as otherwise provided by this Article.

17.46.050 - Advisory Agency

A. Advisory agency established. The advisory agency for subdivision review shall be the Planning Commission.

B. Authority and duties. The advisory agency shall perform the following duties, and as further detailed in Section 17.46.060 (Authority for Subdivision Decisions).

1. Approve, conditionally approve, or disapprove all Tentative Maps;

2. Recommend modifications of the requirements of this Article;

3. Review and make recommendations concerning proposed subdivisions in adjacent cities, and in the unincorporated areas of San Joaquin County in compliance with the Map Act when the advisory agency has elected to do so;

4. Perform additional duties and exercise additional authorities as prescribed by law and by this Article.

17.46.060 - Authority for Subdivision Decisions

Table 5-1 (Authority for Subdivision Decisions) identifies the City official or authority responsible for reviewing and making decisions on each type of subdivision application and other decision required by this Article.

TABLE 5-1 - AUTHORITY FOR SUBDIVISION DECISIONS

Type of Subdivision Application or Decision	Role of Review Authority [1]			
	Community Development Director	**Public Works Director**	**Commission**	**Council**
Amendments to Approved Tentative and Tentative Parcel Maps and Conditions	Decision		Decision/Appeal	Appeal
Amendments to Recorded Maps		Decision	Appeal	Appeal
Certificate of Compliance	Decision	Recommend	Appeal	Appeal
Condominiums (with Final Maps) Non-Residential Condominiums Residential Condominiums	 Recommend Recommend	 Recommend Recommend	 Recommend Recommend	 Decision Decision
Condominiums Conversions Non-Residential Condominiums Residential Condominiums	 Recommend Recommend	 Recommend Recommend	 Recommend Recommend	 Decision Decision
Extensions of Time – Tentative and Tentative Parcel Maps	Recommend	Recommend	Decision	Appeal
Final Map	Recommend	Recommend		Decision
Final Parcel Map		Decision		
Improvement Agreements		Decision		Appeal
Lot Line Adjustment	Decision	Recommend	Decision[2]	Appeal
Merger	Decision	Recommend	Decision[2]	Appeal
Reversion to Acreage Maps	Recommend	Recommend	Decision	Appeal
Subdivision Improvement Plans		Decision		Appeal
Tentative Map, Vesting Tentative Map	Recommend	Recommend	Decision	Appeal
Tentative Parcel Map	Recommend	Recommend	Decision	Appeal
Wavier of Parcel Maps		Decision		

Notes:

(1) "Recommend means that the review authority makes a recommendation on the approval or disapproval of the request to a higher decision-making body; "Decision" means that the review authority makes the final decision on the matter; "Appeal" means that the review authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with Chapter 17.70 (Appeals)

(2) The Community Development Director may refer the matter to the Commission for review and decision.

CHAPTER 17.48 - SUBDIVISION MAP APPROVAL REQUIREMENTS

Sections:

17.48.010 - Purpose of Chapter
17.48.020 - Type of Subdivision Approval Required
17.48.030 - Applications Deemed Approved
17.48.040 - Exceptions to Subdivision Standards

17.48.010 - Purpose of Chapter

This Chapter determines when City approval of a Tentative Map, Parcel or Final Map is required. In general, the procedure for subdivision first requires the approval of a Tentative Map, and then the approval of a Parcel Map (for four or fewer parcels) or a Final Map (for five or more parcels) to complete the subdivision process. The Tentative Map review process is used to evaluate the compliance of the proposed subdivision with the adopted City standards, and the appropriateness of the proposed subdivision design. Parcel and Final Maps are precise engineering documents that detail the location and dimensions of all parcel boundaries in an approved subdivision and, after approval, are recorded in the office of the County Recorder.

17.48.020 - Type of Subdivision Approval Required

Any subdivision of an existing parcel into two or more parcels shall require approval by the City in compliance with the provisions of this Article.

A. **Tentative Map requirements.** Any subdivision or resubdivision of land within the City shall require the filing and approval of a Tentative Map in compliance with Map Act Section 66426, except as otherwise provided by the Map Act.

B. **Parcel and Final Map requirements.** A Parcel or Final Map shall be required as follows.

1. **Parcel Map.** A Parcel Map shall be prepared and filed in compliance with Chapter 17.54 for a subdivision creating four or fewer parcels when required by the Map Act, except where Map Act Section 66426 exempts a subdivision from this requirement.

2. **Final Map.** The filing and approval of a Final Map (Chapter 17.54) shall be required for a subdivision of five or more parcels.

17.48.030 - Applications Deemed Approved

Any subdivision application deemed approved in compliance with Government Code Section 65956 or Map Act Article 2, Chapter 3 (Government Code Sections 66452 et seq.), shall be subject to all applicable provisions of this Article which shall be satisfied by the subdivider before any Building Permits or land use permits are issued. Parcel or Final Maps filed for record after their Tentative Map is deemed approved shall remain subject to all the mandatory requirements of this Article and the Map Act, including Map Act Sections 66473, 66473.5 and 66474.

17.48.040 - Exceptions to Subdivision Standards

An exception to any of the provisions of this Article may be requested by a subdivider in compliance with this Section. An exception shall not be used to waive or modify provisions of the Map Act, or any provision of this Article that is duplicated or paraphrased from the Map Act.

A. Application. An application for an exception shall be submitted on forms provided by the Department together with the required filing fee. The application shall include a description of each standard and requirement for which an exception is requested, together with the reasons why the subdivider believes the exception is justified.

B. Filing and processing. A request for an exception may be filed with the Tentative Map application to which it applies, or after approval of the Tentative Map. An exception shall be processed and acted upon in the same manner as the Tentative Map, concurrently with the Tentative Map if the exception request was filed at the same time. The approval of an exception shall not constitute approval of the Tentative Map and shall not extend the time limits for the expiration of the map established by Section 17.52.130 (Tentative Map Time Limits, Expirations, and Time Extensions).

C. Approval of exception. The Planning Commission shall have the authority to approve or deny exception requests in compliance with this Section. The Commission shall not grant an exception unless all the following findings are first made:

1. There are exceptional or extraordinary circumstances or conditions applicable to the proposed subdivision, including size, shape, topography, location, or surroundings;

2. The exceptional or extraordinary circumstances or conditions are not due to any action of the subdivider subsequent to the enactment of this Article;

3. The exception is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the vicinity and zoning district and denied to the proposed subdivision;

4. Granting the exception will not be materially detrimental to the public welfare nor injurious to the property or improvements in the vicinity and zoning district in which the property is located; and

5. The exception will not affect the consistency of the proposed subdivision with the General Plan or any applicable Specific Plan.

D. Conditions of approval. In granting an exception, the Commission shall secure substantially the same objectives of the regulations for which the exception is requested and shall impose whatever conditions it deems necessary to protect the public health, safety, general welfare and convenience, and to mitigate any environmental impacts in compliance with CEQA.

CHAPTER 17.50 - SUBDIVISION DESIGN AND IMPROVEMENT REQUIREMENTS

Sections:

17.50.010 - Purpose of Chapter
17.50.020 - Applicability of Design and Improvement Standards
17.50.030 - Access, Circulation, Streets
17.50.040 - Energy Conservation
17.50.050 - Grading
17.50.060 - Erosion and Sediment Control
17.50.070 - Landscaping
17.50.080 - Monuments
17.50.090 - Parcel and Block Design
17.50.100 - Public Utilities and Utility Easements
17.50.110 - Residential Density
17.50.120 - Public Water System
17.50.130 - Waste Water
17.50.140 - Storm Drains
17.50.150 - Street Lighting

17.50.010 - Purpose of Chapter

This Chapter establishes standards for the design and layout of subdivisions, and the design, construction or installation of public improvements within subdivisions. The purpose of these standards is to ensure, through careful site evaluation and design, the creation of new usable parcels that are consistent with the General Plan and any applicable Specific Plan.

17.50.020 - Applicability of Design and Improvement Standards

The requirements of this Chapter apply to subdivisions, and applicable requirements of this Article, as follows:

A. **Extent of required improvements.** All subdivisions shall provide the improvements required by this Article, and any additional improvements required by conditions of approval.

B. **Applicable design standards, timing of installation.** The subdivider shall construct all on- and off-site improvements according to standards approved by the Public Works Director. No Final Map shall be presented to the Council or Parcel Map to the Public Works Director for approval until the subdivider either completes the required improvements, or enters into an agreement with the City for the work.

C. **Subdivision improvement standards - Conditions of approval.** The applicable subdivision improvement and dedication requirements of this Article and any other improvements and dedications required by the review authority in compliance with Section 17.52.070 (Tentative Map Approval or Disapproval), shall be described in conditions of approval adopted for each approved Tentative Map (Section 17.52.080). The design, construction or installation of all subdivision improvements shall comply with the requirements of the Public Works Director.

D. **Conflicting provisions.** In the event of any conflict between the provisions of this Article and other provisions of this Development Code, or other provisions of the Municipal Code, the most restrictive provisions shall control. In the event of any conflict between the provisions of this Article and the Map Act, the Map Act shall control.

E. **Extent of improvements required - Four or fewer parcels.** Improvements required for subdivision of four or fewer parcels shall be limited to those allowed by Map Act Section 66411.1.

F. **Oversizing of improvements.** The oversizing of the improvements required to be installed by the subdivider for the benefit of the subdivision may be required in compliance with the Map Act.

G. **City construction.** The City may install or construct certain improvements, such as street signs, water tie-ins, water and sewer taps, etc., which shall be at the expense of the subdivider as shown in the improvement agreement.

H. **Exceptions.** Exceptions to the provisions of this Article may be requested and considered in compliance with Section 17.48.040 (Exceptions to Subdivision Standards).

17.50.030 - Access, Circulation, Streets

Proposed subdivisions shall be designed to provide adequate access from each new parcel to a City street, in compliance with this Section.

A. **General access and circulation requirements.** The subdivider shall provide a comprehensive circulation system, designed and constructed in compliance with this Section, the City's public improvement design standards and construction specifications, and with the Circulation Element of the General Plan.

1. Public streets shall be required when:

    a. The street is shown as an arterial or collector in the Circulation Element of the General Plan, or any specific plan;

    b. The street will be used by the general public as a through access route; or

    c. A public street is necessary for special needs including but not limited to bus routes, public service access, bicycle routes and pedestrian access.

2. Private streets are allowed only in compliance with Subsection F., following.

B. **Alternative standards.** The review authority may consider and approve proposed access and street design solutions that differ from the provisions of this Section, and the City's improvement standards where deemed necessary to properly address the characteristics of adjacent land uses and/or anticipated traffic volumes, or to maintain neighborhood character. The use of alternative standards shall be authorized through the exception procedure in Section 17.48.040.

C. Access to subdivision. Every subdivision shall be designed to have access to a City street. Access shall be provided by:

1. The subdivision abutting a City street, where the length of the subdivision along the street, the street right-of-way, and the width of the right-of-way will accommodate the construction of all road improvements required by this Section; or

2. The subdivision being connected to a City street by a non-exclusive right-of-way easement for street, utility, and appurtenant drainage facilities purposes, where the easement shall be:

   a. Offered for dedication;

   b. Unencumbered by any senior rights that might serve to restrict its proposed use; and

   c. Of a width and location to accommodate the construction of all improvements required by this Section and the City's public improvement design standards and construction specifications.

D. Access to new parcels. Parcels within a proposed subdivision shall be provided access as follows.

1. City street access required. Each parcel within a proposed subdivision shall be provided access by being located on an existing City street or a new City street designed and improved in compliance with Subsection C., or to a private street if allowed by Subsection F.

2. Frontage roads. When lots are proposed to front on a major arterial or State highway, the review authority may require the subdivider to dedicate and improve a service or frontage road separate from the arterial or highway.

3. Waiver of direct street access. Whenever the review authority finds a safety hazard would be created as the result of direct access, the review authority may impose a requirement that any dedication or offer of dedication of a street shall include a waiver of direct access rights to the street from any property shown on a Final Map as abutting the street, and that if the dedication is accepted, the waiver shall become effective in compliance with the provisions of the waiver of direct access. The review authority may also require waivers of access to an existing, already dedicated street that abuts the subdivision.

E. Design and improvement of proposed streets. New streets proposed or required within a new subdivision or adjacent to a new subdivision shall be located and designed in compliance with adopted City policies, and in compliance with the City's public improvement design standards and construction specifications.

1. Access to unsubdivided property. When a proposed subdivision abuts vacant land that is designated by the General Plan for future subdivision and development, the review authority may require that streets to be constructed with the proposed subdivision be extended to the boundary of the property to provide access to the future development.

2. Improvements to existing streets.

   a. The subdivider shall dedicate and improve all streets, including curbs, gutters, sidewalks and street pavement in accordance with adopted city policies.

b. If street improvements exist that do not meet existing city standards or are inadequate or a hazard to the general public, then these improvements shall be reconstructed to current city standards.

3. Reimbursement for excess street width. The subdivider or developer may be reimbursed for excess width street construction and right-of-way or for construction or permanent improvements which front adjacent property. Reimbursement shall be made in compliance with Chapter 17.62. For purposes of this Section excess width streets are defined as:

a. New streets over 68 feet in width;

b. Widenings of existing street in excess of 34 on one side.

F. Private streets. Private roads are allowed as provided in this Section. Private streets shall not be permitted except where the Commission determines that a private street system will adequately serve the proposed subdivision, will not be a substantial detriment to adjoining properties and will not disrupt or prevent the establishment of an orderly circulation system in the vicinity of the subdivision.

1. Maintenance requirements. Provisions satisfactory to the Public Works Director and City Attorney shall be made for lot owners association or other organization to assume responsibility for the maintenance of private streets and ownership of the street right-of-ways of any subdivision.

2. Security and conditions. The Commission and/or Council may require any guarantees and conditions it deems necessary to carry out the provisions of this Article pertaining to private streets. Private streets and easements providing access to parcels within a subdivision shall be located and shown on the Parcel or Final Map.

G. Alternative circulation systems. Proposed subdivisions shall be designed to provide rights-of-way for pedestrian paths, bikeways and multiple use trails consistent with the Circulation Element of the General Plan, and/or other applicable General Plan provisions.

17.50.040 - Energy Conservation

The design of a subdivision for which a Tentative and Final Map are required by this Article shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivisions, in compliance with Map Act Section 66473.1.

17.50.050 - Grading

Prior to the issuance of a building permit, a grading plan prepared and signed by a registered civil engineer shall be submitted to the Public Works Director. For subdivisions requiring a public improvement plan, a grading plan shall be provided with the improvement plan.

A. Grading plan content. Grading plans shall show: the elevations of the natural ground at all lot corners; the finished grade at corners; the finished pad elevation; finished floor elevations; rates and directions of all drainage swales; finished sidewalk elevations at all front lot lines; and existing topographic elevations and drainage direction a minimum of 100 feet outside the boundary of proposed project area and/or map.

B. **Minimum slopes.** The minimum rate of grade of all drainage swales on lots shall be one-half of one percent.

C. **Pad elevation, residential.** The building pad elevation of residential lots shall be established at a minimum of 10 inches above the design sidewalk elevation at the low side of the lot. The finished floor elevation of slab floor houses shall be a minimum of 16 inches above the sidewalk elevation. The pad elevation of all residential lots shall be established at least one foot above the water surface in an adjacent storm drain channel or the ponded surface in an adjacent sump for collection of storm drain waters.

D. **Lot drainage.** No inter-lot or a cross drainage shall be permitted. All lots shall drain their own water to the public street or public drainage facility without passing through or across an adjacent lot. No lot shall drain water over the bank of a flood control channel.

E. **Grading exceptions.** Specific exceptions to the above requirements may be authorized at the discretion of the Public Works Director. Exceptions are considered to be the case of an individual lot or at most a tier of lots and are not to be construed as extending to an entire subdivision.

F. **As-built grading plan.** Upon completion of grading operations the owner shall furnish to the Public Works Director two prints of an as-built grading plan prepared by the owner's engineer. In case no grading plan had been prepared and no grading permit had been granted, the subdivider shall furnish to the Public Works Director two prints of a map signed by the owner's engineer and certifying that no fills had been made on the lots or else two prints of a map prepared by the owner's engineer showing the location and depth of all compacted or uncompacted fills that had been made.

17.50.060 - Erosion and Sediment Control

New subdivisions shall be designed so that all proposed grading incorporates appropriate erosion and sediment control measures in compliance with the City's grading and water pollution control regulations.

17.50.070 - Landscaping

A. **Landscaping requirements.** Landscaping shall be provided as follows, and in compliance with Chapter 17.30 (Landscaping), where applicable.

1. **Residential subdivisions.** Residential subdivisions shall be provided landscaping in the form of street trees on each proposed parcel that is not a flag lot, landscaping with irrigation facilities for any common areas or other open space areas within the subdivision, and any additional landscaping required by the review authority. Proposed street trees shall be as required by the Public Works Director, and the plantings shall comply with the City's standard specifications.

2. **Nonresidential subdivisions.** Nonresidential subdivisions shall be provided landscaping as required by the review authority.

B. **Plant materials, irrigation.** All proposed and/or required trees, shrubs, ground covers, vines, turf, and other plant materials shall be of a type approved by the Community Development Director and, to the greatest extent practicable, shall be of drought-resistant and drought-tolerant types or varieties. Plant materials and irrigation systems shall comply with the requirements of Chapter 17.30 (Landscaping) of this Development Code. The subdivider shall provide a mechanism or system for the permanent maintenance of any common area or open space landscaping.

C. Deferral of installation. The installation of required landscaping may be deferred until the development of the subdivided lots through the provisions of Section 17.60.040 (Improvement Agreements and Security), provided that interim erosion and sediment control measures are first installed in compliance with Section 17.50.060 above (Erosion and Sediment Control).

17.50.080 - Monuments

The subdivider shall install monuments in compliance with Chapter 17.64 (Surveys and Monuments), and the Map Act.

17.50.090 - Parcel and Block Design

The size, shape and arrangement of proposed parcels shall comply with this Section, or with any General Plan policy, applicable Specific Plan requirement, or other Municipal Code provisions applicable to a proposed subdivision.

A. Parcel area. The minimum area for new parcels shall be as required by Article 2 (Land Use and Development Standards), except as otherwise provided by this Section.

1. **Calculation of area.** When calculating the area of a parcel to determine compliance with this Section, Article 2, or the General Plan, the following shall be deducted from the gross area of any parcel, regardless of whether they may be used by the general public or are reserved for residents of the subdivision.

   a. A vehicular or non-vehicular access easement through the parcel;

   b. An easement for an open drainage course, whether a ditch, natural channel or floodway; or

   c. The "flag pole" (access strip) of a flag lot.

2. **Minimum lot area requirements for common interest projects.** The minimum lot area requirements of Article 2 shall not apply to condominiums and condominium conversions, planned developments, townhouses, zero lot line, and similar projects, but shall apply to the creation of the original parcel or parcels that are the location of the common interest development.

3. **Flag lots.** The “flag pole” (access strip) portion of a flag lot shall not be less than 16 feet wide nor longer than 100 feet from the public street right-of-way to the buildable portion of the flag lot.

B. Dimensions. The dimensions of new parcels shall comply with the applicable provisions of Article 2 (Land Use and Development Standards), or as otherwise required by the review authority. Lots shall be measured at right angles to the street on straight street and shall be approximately radial on curved streets.

C. Driveway standards. Proposed parcels shall be designed to accommodate driveways designed in compliance with Section 17.32.080 (Driveways and Site Access) of this Development Code.

17.50.100 - Public Utilities and Utility Easements

Each approved parcel shall be provided connections to public utilities, including electricity, gas, water, wastewater, and telecommunications services, which shall be installed as part of the subdivision improvements as provided by this Section, and by Section 17.50.130 (Wastewater).

A. Underground utilities required. Utilities in new subdivisions shall be installed underground, as follows. These requirements do not apply to utility lines which do not serve the area being subdivided.

1. When undergrounding is required. All existing and proposed utility distribution facilities (including electric, telecommunications and cable television lines) installed in and for the purpose of supplying service to any subdivision shall be installed underground. Equipment appurtenant to underground facilities, including transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts, shall also be located underground, unless otherwise approved by the review authority based on the recommendations of the Public Works Director and the Community Development Director.

The subdivider is responsible for complying with the requirements of this Section and shall make the necessary arrangements with the affected utility companies for facility installation. The review authority may waive the requirements of this Section if topographical, soil, or other site conditions make underground installation infeasible or impractical.

2. Location of installation. Underground utility lines may be installed within street rights-of-way or along a lot line, subject to appropriate easements being provided if necessary. When installed within street rights-of-way, their location and method of installation, insofar as it affects other improvements within the street right-of-way, shall be subject to the approval of the Public Works Director.

B. Overhead lines. When overhead utility lines are approved by the review authority, easements shall be located at the rear of lots where practical, and along the side of lots where necessary.

C. Timing of installation. All underground utilities, water lines, sanitary sewers, and storm drains installed in streets, shall be constructed before the streets are surfaced. Connections to all underground utilities, water lines, and sanitary sewers shall be laid to sufficient lengths to avoid the need for disturbing the street improvements when service connections are made.

17.50.110 - Residential Density

The maximum number of dwelling units permitted within a proposed subdivision shall not exceed the density established by the General Plan for the site and the maximum number of dwelling units permitted by the applicable zoning district.

17.50.120 – Public Water System

With the filing of the improvement plans for the first unit of any subdivision, the subdivider shall submit a master water plan conforming to the City's Master Water Plan for the entire area covered by the Tentative Map. The subdivider shall install fire hydrants in compliance with the requirements of the City Fire Chief. Hydrants may be required outside the limits of the subdivision for the purpose of serving the subdivision. If the subdivider is required to install water mains that may serve or benefit properties other than the proposed

development, the City may enter into a reimbursement agreement with the subdivider as outlined in Chapter 17.62 (Reimbursements for Construction).

17.50.130 - Wastewater

With the filing of the improvement plans for the first unit of any subdivision, the subdivider shall submit a master sanitary sewer plan conforming to the City's design standards and Master Sanitary Sewer Plan for the entire area covered by the Tentative Map. If the subdivider is required to install sanitary sewers that may serve or benefit properties other than the proposed development, the City will enter into a reimbursement agreement with the subdivider as outlined in Chapter 17.62 (Reimbursements for Construction).

17.50.140 - Storm Drains

A. With the filing of the improvement plans for the first unit of any subdivision, the subdivider shall submit a master storm drainage plan for the entire area covered by the tentative map. The drainage system shall be designed in compliance with City design standards and the City Master Storm Drainage Plan.

B. All storm drains and drainage facilities not part of the City's master drainage program are the responsibility of the subdivider. The subdivider shall receive credits, as established by the Council from time-to-time by resolution, for all storm drain lines and manholes constructed by the subdivider.

17.50.150 - Street Lighting

The subdivider shall install electrical facilities and street lights in accordance with City policy. All plans shall be approved by the City Electric Utility Department.

CHAPTER 17.52 - TENTATIVE MAP FILING AND PROCESSING

Sections:

17.52.010 - Purpose of Chapter
17.52.020 - Tentative Map Preparation, Application Contents
17.52.030 - Tentative Map Filing, Initial Processing
17.52.040 - Evaluation of Application
17.52.050 - Review and Decision
17.52.060 - Tentative Map Public Hearings
17.52.070 - Tentative Map Approval or Disapproval
17.52.080 - Conditions of Approval
17.52.090 - Effective Date of Tentative Map Approval
17.52.100 - Changes to Approved Tentative Map or Conditions
17.52.110 - Completion of Subdivision Process
17.52.120 - Vesting Tentative Maps
17.52.130 - Tentative Map Time Limits, Expiration, and Time Extensions

17.52.010 - Purpose of Chapter

This Chapter establishes requirements for the preparation, filing, approval or disapproval of Tentative Maps, consistent with the requirements of the Map Act.

17.52.020 - Tentative Map Preparation, Application Contents

Tentative Map submittal shall include the application forms, and all information and other materials prepared as required by the Community Development Department and the Public Works Director.

17.52.030 - Tentative Map Filing, Initial Processing

A. General filing and processing requirements. Tentative Map applications shall be submitted to the Community Development Department for processing, be reviewed for completeness and accuracy, referred to affected agencies, reviewed in compliance with the California Environmental Quality Act (CEQA) where applicable, and evaluated in a staff report in compliance with Chapter 17.38 (Application Filing and Processing).

B. Referral to affected agencies. In addition to the procedures outlined in Chapter 17.38 (Application Filing and Processing), a Tentative Map application shall be referred to the agencies outlined in this Subsection as required by the Map Act, as well as any other City department, County, State or Federal agency, or other individual or group that the Community Development Director believes may be affected by the subdivision, or may have information useful to the City about issues raised by the proposed subdivision.

1. Time limits for referrals. As required by Map Act Sections 66453 through 66455.7, referral shall occur within five days of the Tentative Map application being determined to be complete in compliance with Section 17.38.060 (Initial Application Review) of this Development Code. An agency wishing to respond to a referral shall provide the Department with its recommendations by the due date set by the Community Development Director after receiving the Tentative Map application.

2. **Required referrals.** The Community Development Director shall refer Tentative Map applications for review and comment to any of the following agencies that will be expected to provide service to the proposed subdivision.

   a. City departments;

   b. County agencies;

   c. Other cities and local agencies;

   d. Public utilities; and

   e. State agencies.

17.52.040 - Evaluation of Application

After completion of the initial processing and the application being deemed complete in compliance with Section 17.38.060, the Community Development Director shall:

A. Review and evaluate each Tentative Map as to its compliance and consistency with applicable provisions of this Article, the General Plan, any applicable Specific Plan, and the Map Act;

B. Review the Tentative Map in compliance with CEQA;

C. Determine the extent to which the proposed subdivision complies with the findings in Section 17.52.070 (Tentative Map Approval or Disapproval); and

D. Prepare a staff report to the review authority in compliance with Section 17.52.060 (Tentative Map Public Hearings), describing the conclusions of the evaluations of the map, and recommending to the review authority the approval, conditional approval, or denial of the Tentative Map.

17.52.050 - Review and Decision

After review of a Tentative Map in compliance with Section 17.38.060, the Commission shall:

A. Conduct a public hearing on a proposed Tentative Map in compliance with Section 17.52.060 (Tentative Map Public Hearings), and consider the recommendations of the Community Development Director, any agency comments on the map, and any public testimony;

B. Review and evaluate each Tentative Map as to its compliance and consistency with applicable provisions of this Article, the General Plan, any Specific Plan, and the Map Act. The review authority's evaluation shall be based on the staff report (Section 17.38.080), information provided by an initial study or environmental impact report (EIR), where applicable, and any public testimony received; and

C. Within 30 days after the filing of the report and recommendation of the Community Development Director with the review authority, approve, conditionally approve or deny the Tentative Map.

Approval or conditional approval of a Tentative Map shall be granted only after the Commission has first made all findings required by Section 17.52.070 (Tentative Map Approval or Disapproval). The Commission may impose conditions of approval in compliance with Section 17.52.080 (Conditions of Approval).

17.52.060 - Tentative Map Public Hearings

When a public hearing is required by this Article for a Tentative Map, the hearing shall be scheduled and conducted in compliance with this Section, with public notice being provided in compliance with Chapter 17.74 (Public Hearings) of this Article.

A. **Scheduling of hearing, action.** After a Tentative Map application has been deemed complete, a public hearing on the Tentative Map shall be scheduled, and action shall be taken, within the time limit specified by Map Act Section 66452.1.

B. **Distribution of staff report.** The staff report on the Tentative Map shall be mailed to the subdivider (and each tenant of the subject property, in the case of a condominium conversion) at least three days before any hearing or action on the Tentative Map by the Commission.

17.52.070 - Tentative Map Approval or Disapproval

In order to approve a Tentative Map and conditions of approval, or to disapprove a Tentative Map, the Commission shall first make the findings required by this Section. In determining whether to approve a Tentative Map, the City shall apply only those ordinances, policies, and standards in effect at the date the Department determined that the application was complete in compliance with Section 17.52.030 (Tentative Map Filing, Initial Processing), except where the City has initiated changes to the General Plan, an applicable specific plan, or this Development Code, and provided public notice as required by Map Act Section 66474.2.

A. **Required findings for approval.** The Commission may approve a Tentative Map only when it shall first find that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, and any applicable Specific Plan, and that none of the findings for denial in Subsection C. can be made. The findings shall apply to each proposed parcel as well as the entire subdivision, including any parcel identified as a designated remainder in compliance with Map Act Section 66424.6.

B. **Supplemental findings.** The Commission shall make the following findings, when they are applicable to the specific subdivision proposal.

1. **Construction of improvements.** It is in the interest of the public health and safety, and it is necessary as a prerequisite to the orderly development of the surrounding area, to require the construction of road improvements within a specified time after recordation of the Parcel Map, where road improvements are required.

2. **Condominiums.** Any applicable findings required by the Map Act for condominium conversions.

3. **Dedications or exactions.** Any applicable findings required by Section 17.58.030 (Findings Required for Dedications or Exactions), if dedications or exactions are required.

4. **Waiver of Parcel Map.** The findings required by Section 17.54.030 (Waiver of Parcel Map), if waiver of a Parcel Map has been requested with the Tentative Map application.

C. **Findings requiring denial.** A Tentative Map shall be denied if the Commission makes any of the following findings:

1. The proposed subdivision including design and improvements is not consistent with the General Plan or any applicable Specific Plan;

2. The site is not physically suitable for the type or proposed density of development;

3. The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or injure fish or wildlife or their habitat;

4. The design of the subdivision or type of improvements is likely to cause serious public health or safety problems;

5. The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large for access through or use of, property within the proposed subdivision. This finding may not be made if the Commission finds that alternate easements for access or use will be provided, and that they will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record, or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to the review authority to determine that the public at large has acquired easements of access through or use of property within the proposed subdivision;

6. The discharge of wastewater from the proposed subdivision into the community wastewater system would result in violation of existing requirements prescribed by the California Regional Water Quality Control Board;

7. Information available to the City indicates adverse soil or geological conditions and the subdivider has failed to provide sufficient information to the satisfaction of the Public Works Director or the Commission that the conditions can be corrected in the plan for the development; or

8. The proposed subdivision is not consistent with all applicable provisions of this Title, any other applicable provision of the Municipal Code, and the Subdivision Map Act.

17.52.080 - Conditions of Approval

Along with the approval of a Tentative Map, the adoption of conditions of approval shall occur in compliance with this Section, provided that all conditions shall be consistent with the requirements of the Map Act.

A. Mandatory conditions. The Commission shall adopt conditions of approval that will:

1. Require that parcels, easements or rights-of-way be provided for streets, water supply and distribution systems, wastewater facilities, solid waste disposal, and public utilities providing electric, gas and communications services, as may be required to properly serve the subdivision;

2. Mitigate or eliminate environmental problems identified through the environmental review process, except where a Statement of Overriding Considerations has been adopted in compliance with CEQA;

3. Carry out the specific requirements of this Article;

4. Secure compliance with the requirements of this Article and the General Plan;

5. Require that any designated remainder parcels not be subsequently sold or further subdivided unless a certificate or conditional certificate of compliance (Section 17.56.040) is obtained in compliance with this Article; and

6. Require the dedication of additional land for bicycle paths, local transit facilities, (including bus turnouts, benches, shelters, etc.), sunlight easements, and school sites, in compliance with Map Act Chapter 4, Article 3, where required by the General Plan.

B. Optional conditions. The Commission may also require as conditions of approval:

1. The waiver of direct access rights to any existing or proposed streets;

2. The reservation of sites for public facilities, including schools, and fire stations, libraries, parks, and other public uses in compliance with Map Act Chapter 4, Article 4;

3. Time limits or phasing schedules for the completion of conditions of approval, when deemed appropriate; or

4. Any other conditions deemed necessary by the review authority to achieve compatibility between the proposed subdivision, its immediate surroundings, and the community, or to achieve consistency with City ordinances or state law.

17.52.090 - Effective Date of Tentative Map Approval

The approval of a Tentative Map shall become effective for the purposes of filing a Parcel or Final Map, including compliance with conditions of approval, immediately after the adoption of the resolution of decision by the Commission.

17.52.100 - Changes to Approved Tentative Map or Conditions

A subdivider may request changes to an approved Tentative Map or its conditions of approval before recordation of a Parcel or Final Map in compliance with this Section. Changes to a Parcel or Final Map after recordation are subject to Section 17.54.120 (Amendments to Recorded Maps).

A. Limitation on allowed changes. Changes to a Tentative Map that may be granted at the discretion of the Director in compliance with this Section and include major adjustments to the location of proposed lot lines and improvements, and reductions in the number of approved lots (but no increase in the number of approved lots), and any changes to the conditions of approval, consistent with the findings required by Subsection D. of this Section. Other changes shall require the filing and processing of a new Tentative Map.

B. Application for changes. The subdivider shall file an application and filing fee with the Department, using the forms furnished by the Department, together with the following additional information:

1. A statement identifying the Tentative Map number, the features of the map or particular conditions to be changed and the changes requested, the reasons why the changes are requested, and any facts that justify the changes; and

2. Any additional information deemed appropriate by the Department.

C. Processing. Proposed changes to a Tentative Map or conditions of approval shall be processed in the same manner as the original Tentative Map, except as otherwise provided by this Section.

D. Findings for approval. The Commission shall not modify the approved Tentative Map or conditions of approval unless it shall first find that the change is necessary because of one or more of the following circumstances, and that all of the applicable findings for approval required by Sections 17.52.070.A and B. can still be made:

1. There was a material mistake of fact in the deliberations leading to the original approval;

2. There has been a change of circumstances related to the original approval; or

3. A serious and unforeseen hardship has occurred, not due to any action of the applicant subsequent to the enactment of this Article.

E. Effect of changes on time limits. Approved changes to a Tentative Map or conditions of approval shall not be considered as approval of a new Tentative Map, and shall not extend the time limits provided by Section 17.52.130 (Tentative Map Time Limits, Expiration, and Time Extensions).

17.52.110 - Completion of Subdivision Process

A. Compliance with conditions, improvement plans. After approval of a Tentative Map pursuant to this Article, the subdivider shall proceed to fulfill the conditions of approval within any time limits specified by the conditions and the expiration of the map and, where applicable, shall prepare, file and receive approval of improvement plans in compliance with Chapter 17.60 (Improvement Plans and Agreements), before constructing any required improvements.

B. Parcel or Final Map preparation, filing and recordation.

1. A Parcel Map for a subdivision of four or fewer parcels shall be prepared, filed, processed and recorded in compliance with Chapter 17.54 (Parcel Maps and Final Maps), to complete the subdivision, unless a Parcel Map has been waived in compliance with Section 17.54.030 (Waiver of Parcel Map).

2. A Final Map for a subdivision of five or more parcels shall be prepared, filed, processed and recorded as set forth in Chapter 17.54 (Parcel Maps and Final Maps), to complete the subdivision.

17.52.120 - Vesting Tentative Maps

This Section establishes procedures to implement the Vesting Tentative Map requirements of state law, Sections 66498.1 et seq. of the Map Act.

A. Applicability. Whenever this Article requires that a Tentative Map be filed, a Vesting Tentative Map may instead be filed, provided that the Vesting Tentative Map is prepared, filed and processed in compliance with this Section. A Vesting Tentative Map may be filed for residential, commercial or industrial developments.

B. Procedures for processing a Vesting Tentative Map. A Vesting Tentative Map shall be filed in the same form, have the same contents and accompanying data and reports and, shall be processed in the same manner as set forth by this Article as a Tentative Map, except as follows.

1. **Application content.** In addition to the information required by Section 17.52.020 (Tentative Map Preparation, Application, Contents), a Vesting Tentative Map shall include accurately drawn, preliminary plot plans for all buildings and other structures to be constructed on the property after subdivision.

2. **Findings for approval.** The approval of a Vesting Tentative Map shall not be granted unless the Commission first determines that the intended development of the subdivision is consistent with the zoning regulations applicable to the property at the time of filing, in addition to all other findings required for Tentative Map approval by Section 17.52.070 (Tentative Map Approval or Disapproval).

C. **Expiration of Vesting Tentative Map.** An approved Vesting Tentative Map shall be subject to the same time limits for expiration as are established for Tentative Maps by Sections 17.52.130 (Tentative Map Time Limits, Expiration, and Time Extensions).

D. **Changes to approved map or conditions.** The subdivider may apply for an amendment to the Vesting Tentative Map or conditions of approval at any time before the expiration of the Vesting Tentative Map. An amendment request shall be considered and processed through the same procedures as a new application, in compliance with this Section and pursuant to the provisions of the Subdivision Map Act Section 66498.2.

E. **Development rights vested.** The approval of a Vesting Tentative Map shall confer the rights specified by Map Act Section 66498.1 et seq.

F. **Duration of vested rights**. The development rights vested by this Section shall be subject to the time limits specified in Map Act Section 66498.5.

17.52.130 - Tentative Map Time Limits, Expiration, and Time Extensions

The processing of a Tentative Map shall be completed, and an approved Tentative Map shall be subject to the time limits for expiration and procedures for extension as follows.

A. **Expiration of approved Tentative Map.** An approved Tentative Map is valid for 24 months after its effective date (Section 17.66.130), except as otherwise provided by Map Act Sections 66452.6, 66452.11, 66452.13, or 66463.5. At the end of 24 months, the approval shall expire and become void unless:

1. A Parcel or Final Map has been filed with the Public Works Director in compliance with Chapter 17.54 (Parcel Maps and Final Maps); or

2. An extension of time has been granted in compliance with Subsection B.

Expiration of an approved Tentative Map or vesting Tentative Map shall terminate all proceedings. The application shall not be reactivated unless a new Tentative Map application is filed.

B. Extensions of time for a Tentative Map. When a subdivider has not completed all Tentative Map conditions of approval and filed a Parcel or Final Map with the City within the time limits established by this Section, time extensions may be granted as follows. Extension requests shall be in writing and shall be filed with the Community Development Department on or before the date of expiration of the approval or previous extension, together with the required filing fee.

1. Tentative Maps and Vesting Tentative Maps. The Commission may grant extensions to the initial time limit for one year at a time, up to a maximum total of three years, only after finding that:

a. There have been no changes to the provisions of the General Plan, any applicable Specific Plan or this Article applicable to the project since the approval of the Tentative Map;

b. There have been no changes in the character of the site or its surroundings that affect how the policies of the General Plan or other standards of this Article apply to the project; and

c. There have been no changes to the capacities of community resources, including but not limited to water supply, sewage treatment or disposal facilities, roads or schools so that there is no longer sufficient remaining capacity to serve the project.

2. Tentative Maps with multiple Final Maps. Where a subdivider is required to expend more than the amount specified in Map Act Section 66452.6 and multiple Final Maps are filed covering portions of a single approved Tentative Map, each filing of a Final Map shall extend the expiration of the Tentative Map by an additional 36 months from the date of its expiration, or the date of the previously filed Final Map, whichever is later. Provided that the total of all extensions shall not extend the approval of the Tentative Map more than 10 years from its approval.

CHAPTER 17.54 - PARCEL MAPS AND FINAL MAPS

Sections:

17.54.010 - Purpose of Chapter
17.54.020 - Parcel Maps
17.54.030 - Waiver of Parcel Map
17.54.040 - Parcel Map Form and Content
17.54.050 - Filing and Processing of Parcel Maps
17.54.060 - Parcel Map Approval
17.54.070 - Final Maps
17.54.080 - Final Map Form and Content
17.54.090 - Filing and Processing of Final Maps
17.54.100 - Final Map Approval
17.54.110 - Supplemental Information Sheets
17.54.120 - Amendments to Recorded Maps

17.54.010 - Purpose of Chapter

This Chapter establishes requirements for the preparation, filing, approval and recordation of Parcel and Final Maps, consistent with the requirements of the Map Act.

17.54.020 - Parcel Maps

As required by Sections 17.48.020 (Type of Subdivision Approval Required), and 17.52.110 (Completion of Subdivision Process), a Parcel Map shall be filed and approved to complete the subdivision process for a subdivision of four or fewer parcels, except when the requirement for a Parcel Map is waived as set forth in Section 17.54.030. A Parcel Map shall be prepared, filed and processed as set forth in Sections 17.54.040 through 17.54.060.

17.54.030 - Waiver of Parcel Map

A subdivider may request waiver of a Parcel Map, and the waiver may be granted consistent with this Chapter, and in compliance with the Map Act.

17.54.040 - Parcel Map Form and Content

A Parcel Map shall be prepared by or under the direction of a qualified, registered civil engineer or licensed land surveyor, registered or licensed by the State of California. Parcel Map submittal shall include the application forms, and all information and other materials prepared as required by the approved Tentative Map, Public Works Department, and City design standards.

17.54.050 - Filing and Processing of Parcel Maps

A. Filing with the Public Works Department. The Parcel Map, together with all data, information and materials required by Section 17.54.040 above shall be submitted to the Public Works Department. The Parcel Map shall be considered submitted when it is complete and complies with all applicable provisions of this Article and the Map Act.

B. Review of Parcel Map. The Public Works Director shall:

1. Determine whether all applicable provisions of this Article and the Map Act have been complied with, that the map is technically correct, and that it is in substantial compliance with the approved Tentative Map; and

2. Obtain verification from the Community Development Department that the Parcel Map conforms to the approved Tentative Map and that any conditions of approval for which that office is responsible have been completed.

If the Parcel Map does not conform as required above, the subdivider shall be notified, and given the opportunity to make necessary changes and resubmit the Parcel Map, together with all required data if the Tentative Map has not expired.

17.54.060 - Parcel Map Approval

After determining that a Parcel Map is technically correct in compliance with Section 17.54.040, the Public Works Director shall sign. After the signature, the map shall be transmitted to the County Recorder for filing in compliance with Map Act Section 66450.

17.54.070 - Final Maps

As required by Section 17.48.020 (Type of Subdivision Approval Required), a Final Map shall be filed and approved to complete the subdivision process for a subdivision of five or more parcels. A Final Map shall be prepared, filed and processed as set forth in Sections 17.54.070 through 17.54.100, and in compliance with the City's design standards.

17.54.080 - Final Map Form and Content

A Final Map shall be prepared by or under the direction of a qualified registered civil engineer or licensed land surveyor, registered or licensed by the State of California. Final Map submittal shall include all information and other materials prepared as required by the Public Works Department and the City's design standards. A Final Map submittal shall also include a digital copy of the Final Map, prepared using computer software and standards specified by the Public Works Director.

17.54.090 - Filing and Processing of Final Maps

A. Filing with Public Works Director. The Final Map, together with all data, information and materials required by Section 17.54.080 above shall be submitted to the Public Works Director. The Final Map shall be considered submitted when it is complete and complies with all applicable provisions of this Article and the Map Act.

B. Review of Final Map. The Public Works Director shall review the Final Map and all accompanying materials, and shall:

1. Determine whether all applicable provisions of this Article and the Map Act have been complied with, that the map is technically correct, and that it is in substantial compliance with the approved Tentative Map; and

2. Obtain verification from the Community Development Department that the Final Map conforms to the approved Tentative Map and that any conditions of approval for which that office is responsible have been completed.

If the Final Map does not conform as required above, the subdivider shall be notified, and given the opportunity to make necessary changes prior to Tentative Map expiration and resubmit the Final Map, together with all required data.

C. Multiple Final Maps. The subdivider may file multiple Final Maps on the approved Tentative Map if the subdivider either included a statement of intention with the Tentative Map or, if after the filing of the Tentative Map, the Community Development Director approved the request.

17.54.100 - Final Map Approval

After determining that the Final Map is in compliance and is technically correct in compliance with Section 17.54.080, the Public Works Director shall execute the Public Works Director's certificate on the map in compliance with Map Act Section 66442, and forward the Final Map to the Council for action, as follows.

A. Review and approval by Council. The Council shall approve or disapprove the Final Map at its next regular meeting after the City Clerk receives the map, or at its next regular meeting after the meeting at which it receives the map, unless that time limit is extended with the mutual consent of the Public Works Director and the subdivider.

1. Criteria for approval. The Council shall approve the Final Map if it conforms to all the requirements of the Map Act, all provisions of this Article that were applicable at the time that the Tentative Map was approved, and is in substantial compliance with the approved Tentative Map.

2. Waiver of errors. The Council may approve a Final Map that fails to meet any of the requirements of this Article or the Map Act applicable at the time of approval of the Tentative Map, when the Council finds that the failure of the map is a technical or inadvertent error which, in the determination of the Council does not materially affect the validity of the map.

3. Approval by inaction. If the Council does not approve or disapprove the map within the prescribed time or any authorized extension, and the map conforms to all applicable requirements and rulings, it shall be deemed approved, and the City Clerk shall certify its approval on the map.

B. Map with dedications. If a dedication or offer of dedication is required on the Final Map, the Council shall accept, accept subject to improvement, or reject with or without prejudice any or all offers of dedication, at the same time as it takes action to approve the Final Map. If the City Council rejects the offer of dedication, the offer shall remain open and may be accepted by the City Council at a later date pursuant to Section 66477.2 of the Map Act. Any termination of an offer of dedication shall be processed in compliance with Section 66477.2 of the Map Act and the street vacation procedure.

C. Map with incomplete improvements. If improvements required by this Article, conditions of approval or by law have not been completed at the time of approval of the Final Map, the Council shall require the subdivider to enter into an agreement with the City as specified in Map Act Section 66462, and Section 17.60.040 (Improvement Agreements and Security), as a condition precedent to the approval of the Final Map.

D. Transmittal to Recorder. After action by the Council, and after the required signatures and seals have been affixed, the Final Map shall be transmitted to County Recorder for filing.

17.54.110 - Supplemental Information Sheets

In addition to the information required to be included in Parcel Maps and Final Maps (Sections 17.54.040 and 17.54.080, respectively), additional information may be required to be submitted and recorded simultaneously with a Final Map as required by this Section.

A. Preparation and form. The additional information required by this Section shall be presented in the form of additional map sheets, unless the Community Development Director determines that the type of information required would be more clearly and understandably presented in the form of a report or other document. The additional map sheet or sheets shall be prepared in the same manner and in substantially the same form as required for Parcel Maps by Section 17.54.040 (Parcel Map Form and Content).

B. Content of information sheets. Supplemental information sheets shall contain the following statements and information:

1. **Title.** A title sheet, including the number assigned to the accompanying Parcel or Final Map by the Public Works Director, the words "Supplemental Information Sheet;"

2. **Explanatory statement.** A statement following the Title sheet that the supplemental information sheet is recorded along with the subject Parcel or Final Map, and that the additional information being recorded with the Parcel or Final Map is for informational purposes, describing conditions as of the date of filing, and is not intended to affect record title of interest;

3. **Location map.** A location map, at a scale not to exceed one inch equals 2,000 feet. The map shall indicate the location of the subdivision within the City;

4. **Areas subject to flooding.** Identification of all lands within the subdivision subject to periodic inundation by water;

5. **Soils or geologic hazards reports.** When a soils report or geological hazard report has been prepared, the existence of the report shall be noted on the information sheet, together with the date of the report and the name of the engineer making the report; and

6. **Information required by conditions of approval.** Any information required by the approval body to be included on the supplemental information sheet(s) because of its importance to potential successors in interest to the property, including any other easements or dedications.

17.54.120 - Amendments to Recorded Maps

A recorded Parcel or Final Map shall be modified to correct errors in the recorded map or to change characteristics of the approved subdivision only as set forth in this Section.

A. **Corrections.** In the event that errors in a Parcel or Final Map are discovered after recordation, or that other corrections are necessary, the corrections may be accomplished by either the filing of a certificate of correction or an amending map, in compliance with Article 7, Chapter 3 of the Map Act. For the purposes of this Section, "errors" include errors in course or distance (but not changes in courses or distances from which an error is not ascertainable from the Parcel or Final Map), omission of any course or distance, errors in legal descriptions, or any other map error or omission as approved by the Public Works Director that does not affect any property right, including but not limited to lot numbers, acreage, street names, and identification of adjacent record maps. Other corrections may include indicating monuments set by engineers or surveyors other than the one that was responsible for setting monuments, or showing the proper character or location of any monument that was incorrectly shown, or that has been changed.

B. **Changes to approved subdivision.** In the event that a subdivider wishes to change the characteristics of an approved subdivision, including but not limited to the number or configuration of parcels, location of streets or easements, or the nature of required improvements, the construction of which has been deferred through the approval of an agreement in compliance with Section 17.60.040 (Improvement Agreements and Security), a new tentative and Parcel or Final Map shall be filed and approved as required by Section 17.48.020 (Type of Subdivision Approval Required).

CHAPTER 17.56 - ADDITIONAL SUBDIVISION PROCEDURES

Sections:

17.56.010 - Purpose of Chapter
17.56.020 - Lot Line Adjustments
17.56.030 - Parcel Mergers
17.56.040 - Certificates of Compliance

17.56.010 - Purpose of Chapter

This Chapter provides procedures Lot Line Adjustments, voluntary parcel mergers, and Certificates of Compliance.

17.56.020 - Lot Line Adjustments

A. Purpose. This Section provides procedures for the preparation, filing, processing, and approval or denial of Lot Line Adjustment applications, consistent with the policies of the General Plan and the requirements of Map Act Section 66412(d).

B. Applicability.

1. As provided by Map Act Section 66412(d), the Lot Line Adjustment procedure is for the purpose of relocating lot lines between four or fewer existing adjacent parcels, where land taken from one parcel is added to an adjoining parcel and where no more parcels are created than originally existed. For the purposes of this Article, an "adjoining parcel" is one that directly touches at least one of the other parcels involved in the adjustment.

2. Parcels combined by encumbrances or encroachments of existing structures shall be considered a single original parcel for purposes of an adjustment in compliance with this Article.

C. Application and processing. A Lot Line Adjustment application shall be prepared, filed and processed as follows.

1. Application content. A Lot Line Adjustment application shall include all information and other materials required by the Department, and the filing fee required by the City's Fee Resolution.

2. Processing. Lot Line Adjustment applications shall be submitted to the Community Development Department and shall be processed in compliance with the procedures specified by Chapter 17.38 (Application Filing and Processing) of this Development Code. An environmental review shall not be required, in compliance with the CEQA Guidelines.

3. Referral of application. The Department shall distribute copies of the adjustment application to the Public Works Department and other departments and agencies as is deemed advisable by the Community Development Director. Each of these entities shall submit to the Department a written report indicating its findings and recommendations.

D. Approval or Denial of Lot Line Adjustment. The Community Development Director shall determine whether the parcels resulting from the adjustment will comply with the applicable provisions of this Article. The Community Development Director may approve, conditionally approve, or deny the Lot Line Adjustment in compliance with this Section. The Community Development Director may also refer the matter to the Commission for review and decision.

1. **Findings requiring denial.** A proposed Lot Line Adjustment shall be denied if the Department finds any of the following:

   a. The adjustment will have the effect of creating a greater number of parcels than exist before adjustment;

   b. Any parcel resulting from the adjustment will conflict with any applicable regulations of this Development Code; or

   c. The adjustment or any resulting parcel will conflict with the General Plan.

2. **Conditions of approval.** In approving a Lot Line Adjustment, the Department shall adopt conditions or exactions only as necessary to conform the adjustment and proposed parcels to the requirements of the General Plan, this Development Code and Chapter 15 (Buildings and Construction) of the Municipal Code, to reduce the prepayment of rear property taxes prior to the approval of the Lot Line Adjustment, or to facilitate the relocation of existing utilities, infrastructure, or easements.

E. Completion of Lot Line Adjustment.

1. Upon receiving approval of a Lot Line Adjustment, the applicant shall submit for review new legal descriptions prepared, stamped and signed by a registered civil engineer, qualified to practice land surveying per Section 8731 of the Land Surveyors Act, or a licensed land surveyor, along with those items and information which may have been required by the Public Works Department or other City departments and agencies. The legal descriptions shall be approved by the Public Works Director or other designee of the Public Works Department.

2. Grant deeds containing the approved legal descriptions shall be prepared by the applicant's engineer or land surveyor and recorded with the County Recorder along with the certificate of Lot Line Adjustment issued by the Community Development Director.

3. Copies of the recorded grant deeds shall be provided by the applicant. When parcels involved are under separate owners, a combining agreement may be required.

17.56.030 - Parcel Mergers

A. Merger not required. Two or more contiguous parcels or units of land that have been subdivided under the provisions of this Article or the Map Act shall not merge by virtue of the fact that the contiguous parcels are held by the same ownership. No further proceedings under this Article shall be required for the purpose of sale, lease or financing, except as provided by this Article.

B. Processing of requested merger. Upon request of the legal owner of contiguous parcels, the City may approve the merger of the property in compliance with Map Act Section 66499.20 3/4.

1. **Application requirements.** A request for merger shall include all information and materials required by the Department, and the filing fee required by the City's Fee Resolution. Notwithstanding other provisions of this Article, a Tentative Map or Parcel Map shall not be required for merger, unless required by the Community Development Director.

2. **Processing.** Merger applications shall be submitted to the Department and shall be processed in compliance with Chapter 17.38 (Application Filing and Processing).

3. **Referral of application.** The Community Development Department shall distribute copies of the merger application to the Public Works Department and other departments and agencies as is deemed advisable by the Community Development Director. Each of these entities shall submit to the Community Development Department a written report indicating its findings and recommendations.

4. **Review and decision.** The Community Development Director shall have the authority to approve, approve with conditions, or deny proposed parcel mergers, provided that the Community Development Director may refer any proposed merger to the Commission for review and decision.

5. **Completion of merger.** Upon receiving approval of a lot merger, the applicant shall submit for review new legal descriptions prepared, stamped and signed by a registered civil engineer, qualified to practice land surveying per Section 8731 of the Land Surveyors Act, or a licensed land surveyor, along with any other information and materials required by the Public Works Department or other City departments and agencies. The legal descriptions shall be approved by the Public Works Director or other designee of the Public Works Department. Grant deeds containing the approved legal descriptions shall be prepared by the applicant's engineer or land surveyor and recorded with the County Recorder along with a certificate of lot merger issued by the Community Development Director. Copies of the recorded grant deeds shall be provided by the applicant.

17.56.040 - Certificates of Compliance

A. Purpose. This Section provides procedures for the filing, processing, and approval or denial of Certificates of Compliance and Conditional Certificates of Compliance, consistent with the Map Act.

B. Applicability. A Certificate of Compliance is a recorded document acknowledging that the City considers the subject parcel to be a legal lot of record. A Conditional Certificate of Compliance is used instead of a Certificate of Compliance to validate a parcel that was not legally subdivided. Any person owning real property, or a purchaser of the property in a contract of sale of the property, may request a Certificate of Compliance.

C. Application contents. A Certificate of Compliance application shall include the form provided by the Department, the required filing fee, and a chain of title, consisting of copies of all deeds beginning before the division and thereafter, unless the parcels were created through a recorded subdivision map.

D. Review and approval.

1. **Public Works Director review.** The Public Works Director shall review all available information and make a determination whether the real property was divided in accordance with the Map Act, this Article, and other applicable provisions of the Municipal Code. Upon making the determination, the Public Works Director shall cause a Certificate of Compliance to be filed with the County Recorder. In the event that the Public Works Director determines that the real property does not comply with the provisions of this Article or the Map Act, the application shall instead be processed as a Conditional Certificate of Compliance (Subsection E.).

2. **Form of certificate.** The Certificate of Compliance shall identify the real property, shall state that the division complies with the provisions of the Map Act and this Article, and shall include all information required by Map Act Section 66499.35.

3. **Effective date of certificate.** A Certificate of Compliance shall not become final until the document has been recorded by the County Recorder.

E. Conditional Certificates of Compliance. A Conditional Certificate of Compliance is used to validate a parcel that was not legally divided. If the current owners are the original subdividers, conditions may be based on current standards. The preparation, filing and processing of a Conditional Certificate of Compliance application shall occur in compliance with this Section.

1. **Application.** An application for a Conditional Certificate of Compliance shall be prepared and include the same materials as a Certificate of Compliance.

2. **Review and approval.** Upon making a determination that the real property does not comply with the provisions of this Article or the Map Act, the Public Works Director shall grant a Conditional Certificate of Compliance, imposing conditions as provided by Subsection E.3 (Conditions of Approval).

3. **Conditions of approval.** If the owners of the property for which a certificate is requested are the original subdividers, the Public Works Director may impose any conditions that would be applicable to a current subdivision, as provided by the Map Act and this Article, regardless of when the property was divided. If the owners had no responsibility for the subdivision that created the parcel, the Public Works Director may only impose conditions that would have been applicable at the time the property was acquired by the current owners.

4. **Appeal.** A decision to issue a Conditional Certificate of Compliance and/or the conditions imposed by the Public Works Director may be appealed to the Commission in compliance with Chapter 17.70 (Appeals) of this Title.

5. **Completion of process.** Following expiration of the 10-day appeal period after the determination and imposition of conditions by the Public Works Director, the Public Works Director shall file a Conditional Certificate of Compliance with the County Recorder. The certificate shall identify the property, and serve as notice to the property owner or purchaser who applied for the certificate, a grantee of the owner, or any subsequent transferee or assignee of the property that the fulfillment and implementation of the conditions shall be required before subsequent issuance of a permit or other approval for the development of the property.

6. **Effective date of certificate.** A Conditional Certificate of Compliance shall not become effective until the document has been recorded by the County Recorder.

CHAPTER 17.58 - DEDICATIONS AND EXACTIONS

Sections:

17.58.010 - Purpose of Chapter
17.58.020 - Applicability
17.58.030 - Findings Required for Dedications and Exactions
17.58.040 - School Site Dedications
17.58.050 - Reservations of Land for Public Facilities
17.58.060 - Right-of-Way Dedications

17.58.010 - Purpose of Chapter

This Chapter establishes standards for subdivider dedications of land or payment of fees, in conjunction with subdivision approval.

17.58.020 - Applicability

A. **Compliance required.** All proposed subdivisions shall comply with the requirements of this Article for dedications, reservations, or the payment of fees.

B. **Conditions of approval.** The requirements of this Article as they apply to a specific subdivision shall be described in conditions of approval adopted by the review authority for the Tentative Map.

17.58.030 - Findings Required for Dedications and Exactions

The review authority may require any of the dedications or exactions described in this Article through conditions of approval of a proposed Tentative Map only after first making findings which:

A. Identify the purpose for the dedication or exaction; and

B. Demonstrate that there is a reasonable relationship between the need for the dedication or exaction and the characteristics and impacts of the subdivision from which the dedication or exaction is required.

17.58.040 - School Site Dedications

A. **Dedication requirement.** In compliance with Map Act Section 66478, a subdivider may be required to dedicate land as the review authority determines to be necessary for adequate elementary school facilities for the residents of the subdivision. Dedication may be required only if the subdivider and/or successors in interest to the property:

1. Have owned the land being subdivided for less than 10 years before filing the Tentative Map; and

2. Develop, or complete the development, of a subdivision of more than 400 dwelling units within a single school district, within a period of three years or less.

B. **Tentative Map approval.** If the Lodi Unified School District, as applicable, responds to the referral of the Tentative Map application (Section 17.52.030) with a report to the City describing the land

the district deems necessary and suitable to provide adequate elementary school service to residents of the proposed subdivision, the review authority shall require the dedication of land as a condition of approval of the Tentative Map. As required by Map Act Section 66478, the dedication requirement shall not make development of the remaining land held by the subdivider economically unfeasible, or substantially exceed the amount of land ordinarily allowed under the procedures of the State Allocation Board.

C. **Timing of dedication.** The required dedication may occur before, concurrently with, or up to 60 days after the filing of a Final Map on any portion of the subdivision. If the school district accepts the dedication, the district shall pay the subdivider the amounts required by Map Act Section 66478, and shall record the certificate required by Map Act Section 66478.

D. **Termination of dedication requirement.** The requirement of dedication shall automatically terminate unless, within 30 days after the requirement is imposed by the review authority, the school district makes a binding commitment to the subdivider agreeing to accept the dedication at any time before the construction of the first 400 dwelling units. Upon acceptance of the dedication, the school district shall repay to the subdivider and/or successors the costs specified in Business and Professions Code Section 11525.2.

E. **Judicial review.** Any person who is aggrieved by or fails to agree to the reasonableness of any requirement imposed in compliance with this Section may bring a special proceeding in the Superior Court in compliance with Map Act Section 66499.37.

F. **Reversion of land - Repurchase.** Should the school district find itself unable to accept the dedication for reasons other than specified in the commitment with the subdivider, the dedicated land shall revert to the subdivider. If the dedication is accepted and the school district within 10 years from the date of acceptance offers the property or any substantial part thereof for public sale, the subdivider shall have the first option to repurchase the property for the price paid by the district, plus a sum equal to the amount of property taxes which would have been paid during the period of public ownership.

17.58.050 - Reservations of Land for Public Facilities

As a condition of approval of a Tentative Map, the City may require the subdivider to reserve sites appropriate in area and location for fire stations, libraries or other public uses, pay an in-lieu fee or both at the option of the City in compliance with this Section.

A. **Standards for reservation of land.**

1. **Location of land.** Where a fire station, library, or other public use is shown in the General Plan or applicable Specific Plan, the subdivider may be required by the City to reserve sites as determined by the City in compliance with the standards in the applicable plan.

2. **Configuration.** The reserved area shall be of a size and shape that will permit the balance of the property to develop in an orderly and efficient manner. The amount of land to be reserved shall not make development of the remaining land held by the subdivider economically unfeasible. The land to be reserved shall be in multiples of streets and parcels that will permit an efficient division of the reserved area if it is not acquired within the period determined by Subsection B. following (Procedure for Reservation of Land).

B. **Procedure for reservation of land.** The public agency for whose benefit an area has been reserved shall at the time of approval of the Parcel or Final Map enter into a binding agreement with the

subdivider to acquire the reserved area within two years after the completion and acceptance of all improvements, unless a longer time is authorized by mutual agreement.

C. Purchase price of reserved land. The purchase price shall be the market value of the land at the time the Tentative Map is filed, plus the property taxes against the reserved area from the date of the reservation, and any other costs incurred by the subdivider in maintaining the reserved area, including interest costs incurred on any loan covering the reserved area.

D. Termination of reservation. If the public agency for whose benefit an area has been reserved does not enter into a binding agreement as described in Subsection B. above (Procedure for Reservation of Land), the reservation shall automatically terminate.

17.58.060 - Right-of-Way Dedications

A. Offers of dedication required. As a condition of Tentative Map approval, the subdivider shall dedicate or make an irrevocable offer of dedication of all parcels of land within the subdivision that are needed for streets, alleys, including access rights and abutters' rights, drainage, public utility easements, and other public easements. In addition, the subdivider shall improve or agree to improve all streets, alleys, including access rights and abutters' rights, drainage, public utility easements, and other public easements.

B. Improvements. The subdivider shall construct or agree to construct all improvements approved or required for the subdivision, including access rights and abutters' rights, in compliance with the City's improvement standards.

C. Rights-of-way, generally. Rights-of-way shall be of sufficient size to accommodate the required improvements. In addition, where parcels front on a City-maintained road of insufficient width, or when the existing right-of-way is not deeded, the subdivider shall dedicate right-of-way sufficient for the ultimate facility.

D. Limited access designation. Whenever the review authority finds a safety hazard would be created as the result of direct access, the review authority may impose a requirement that any dedication or offer of dedication of a street shall include a waiver of direct access rights to the street from any property shown on a Final Map as abutting the street, and that if the dedication is accepted, the waiver shall become effective in compliance with the provisions of the waiver of direct access. The review authority may also require waivers of access to an existing street already dedicated which abuts the subdivision.

E. Transit facilities. Dedications in fee simple or irrevocable offers of dedication of land within the subdivision may be required for local transit facilities including bus turnouts, benches, shelters, landing paths and similar items that directly benefit the residents of the subdivision if deemed necessary by the Public Works Director, and if, in compliance with Map Act Section 66475.2:

1. The subdivision as shown on the Tentative Map has the potential for 200 dwelling units or more if developed to the maximum density shown in the General Plan; and

2. The review authority finds that transit services are or will, within a reasonable time period, be available to the subdivision.

F. Alternative transportation systems. Whenever the subdivision falls within an area designated for the development of bikeways, hiking or equestrian trails in the General Plan, Parks and Recreation

or Bikeways Master Plans, applicable Specific Plan, or implementing legislation, the subdivider shall dedicate land as is necessary to provide for these ways.

CHAPTER 17.60 - IMPROVEMENT PLANS AND AGREEMENTS

Sections:

17.60.010 - Purpose of Chapter
17.60.020 - Improvement Plans
17.60.030 - Installation of Improvements
17.60.040 - Improvement Agreements and Security
17.60.050 - Soils Reports

17.60.010 - Purpose of Chapter

This Chapter establishes procedures and requirements for the review and approval of improvement plans, the installation of improvements, agreements and guarantees for their installation, and dedications.

17.60.020 - Improvement Plans

After the approval of a Tentative Map, the subdivider shall diligently proceed to complete any improvements necessary to fulfill the conditions of approval. Improvement shall be defined as any infrastructure including streets, storm drains, sewers and the like. Before the construction of any improvements, the subdivider shall submit plans to the City as follows:

A. **Preparation and content.** Improvement plans shall be prepared by a California registered civil engineer. Improvement plan submittals shall include all items in compliance with the City's design standards and construction specifications.

B. **Submittal of plans.** Improvement plans shall be submitted to the Public Works Director for review and approval. Upon the approval of improvement plans in compliance with Subsection C. following, the subdivider shall also submit to the Public Works Director a detailed cost estimate of all improvements, based on guidelines provided by the City.

C. **Review and approval.** Improvement plans shall be reviewed and approved by the Public Works Director, within the time limits provided by Map Act Section 66456.2.

D. **Effect of approval.** The final approval of improvement plans shall generally be required before approval of a Final Map. The approval of improvement plans shall not bind the City to accept the improvements nor waive any defects in the improvements as installed.

17.60.030 - Installation of Improvements

Required improvements shall be constructed or otherwise installed:

A. After the approval of improvement plans in compliance with Section 17.60.020; and

B. Before the approval of a Parcel or Final Map in compliance with Sections 17.54.060 (Parcel Map Approval) or 17.54.100 (Final Map Approval), except where improvements are deferred in compliance with Section 17.60.040 (Improvement Agreements and Security).

17.60.040 - Improvement Agreements and Security

Any improvement agreement, contract or act required or authorized by the Map Act, for which security is required, shall be secured in one of the manners provided for in Section 66499 et seq. of the Subdivision Map Act.

A. Amount of security.

1. The improvement security shall be in the amount of one hundred percent of the total estimated cost of the improvements or of the act to be performed, conditioned upon the faithful performance of the act or agreement and an additional security for the security of laborers and material in an amount not less than 50 percent of the total estimated cost of the improvement or the performance of the required act securing payment to the contractor, subcontractors and the persons furnishing labor and materials or equipment to them for the improvement or the performance of the required act.

2. If the improvement security is other than a bond or bonds furnished by duly authorized corporate surety, an additional amount shall be included as determined by the City Council as necessary to cover the cost and reasonable expenses and fees, including reasonable attorneys' fees, which may be incurred by the city in successfully enforcing the obligation secured.

3. The improvement security shall also secure faithful performance of any changes or alterations in the work to the extent that such changes or alterations do not exceed ten percent of the original estimated cost of the improvement.

B. Release of security. The improvement security required by this Section shall be released as follows:

1. Security given for faithful performance of any act or agreement shall be released upon the final completion and acceptance of the act or work; provided, however, that the Public Works Director may release a portion of the security in conjunction with the acceptance of the performance of the work as it progresses upon application therefore by the subdivider; provided, however, that no more than 90 percent of the value of the work and/or materials actually furnished and installed may be released until final completion and compliance of the act or work.

2. Security securing the payment to the contractor, his or her subcontractors and to persons furnishing labor, materials or equipment may, after passage of the time within which claims of lien are required to be recorded pursuant to Article 3 (commencing with Section 3114) of Chapter 2 of Title 15 of Part 4 of Division 3 of the Civil Code and after acceptance of the work, be reduced to an amount not less than the total claimed by all claimants for whom claims of lien have been recorded and notice thereof given in writing to the Council, and if no claims have been recorded, the security may be released in full.

3. No security given for the guarantee or warranty of work shall be released until the expiration of the period thereof.

17.60.050 - Soils Reports

A. A preliminary soils report, prepared by a California-registered civil engineer and based upon adequate test borings, shall be submitted to the Public Works Director for every subdivision.

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B. A preliminary soils report may be waived by the Public Works Director provided that the Public Works Director finds that due to the knowledge the City has as to the soils qualities of the soils in the subdivision, no preliminary analysis is necessary.

C. If the City has knowledge of, or the preliminary soils report indicates, the presence of critically expansive soils or other soils problems which, if not corrected, would lead to structural defects, a soils investigation of each lot in the subdivision may be required by the Community Development Director. The soils investigation shall be done by a California-registered civil engineer, who shall recommend the corrective action that is likely to prevent structural damage to each structure proposed to be constructed in the area where such soils problem exists.

D. The review authority may approve the subdivision or portion thereof where soils problems exist if it determines that the recommended action is likely to prevent structural damage to each structure to be constructed; and a condition to the issuance of any Building Permit may require that the approved recommended action be incorporated in the construction of each structure.

CHAPTER 17.62 - REIMBURSEMENTS FOR CONSTRUCTION

Sections:

17.62.010 - Findings and Purpose
17.62.020 - Improvements to be Reimbursed
17.62.030 - City Eligibility
17.62.040 - Application for Reimbursement
17.62.050 - Reimbursement Agreement
17.62.060 - Collection of Reimbursements
17.62.070 - Payment of Reimbursements

17.62.010 - Findings and Purpose

The Council hereby finds and declares as follows:

A. The construction of new streets and water, sewer and storm drains often benefits other properties. Benefits may occur through the provision of supplemental capacity (oversize lines) or installations across or opposite unserved property that would be required to make such improvements upon development or service connection.

B. The state of California, in Government Code Sections 66485 through 66489 requires that the city either pay for or enter into an agreement to reimburse the installing party, including an amount attributable to interest for such installations. To pay the costs as required by the reimbursement agreement, the city may collect funds from the other properties which benefit from such installations.

C. The City has adopted a development impact mitigation fee ordinance (Municipal Code Chapter 15.64) which provides for reimbursement and collection of funds under only a portion of the circumstances described in Subsection A.

D. The purpose of Chapter 15.64 is to identify the improvements which are reimbursable under the development impact mitigation fee program and to provide a uniform reimbursement procedure for the cost of improvements which are to be reimbursed from other properties. For purposes of this Article, "applicant" means the owner of the property for which the improvements are being installed or are required to be installed per the Municipal Code.

17.62.020 - Improvements to be Reimbursed

A. The cost of the following improvements shall be reimbursed from the appropriate development impact mitigation fee fund. The terms of the reimbursement shall comply with Chapter 15.64.

1. Oversize water mains and major crossings required per Chapter 13.08;

2. Oversize sewers and storm drains required per Chapter 13.12;

3. Excess width street construction and right-of-way required per Chapter 15.44;

4. Any other construction identified in the City Capital Improvement Program as a project to be funded with development impact mitigation fees.

B. The cost of other improvements which benefit other property or would be required of that property upon development, shall be reimbursed in compliance with this Article.

17.62.030 - City Eligibility

Whenever the City constructs improvements meeting the requirements of this Article, the City shall be eligible for reimbursement in a like manner as other applicants.

17.62.040 - Application for Reimbursement

A. Whenever an applicant constructs improvements eligible for reimbursement under this Article, the applicant shall file a request with the Public Works Director. The request shall include:

1. A description of the improvements and the additional properties receiving the benefit, including drawings showing the items for reimbursements;

2. Engineering calculations and data as described in the City's public improvement design standards;

3. An itemized record of cost for the improvements; and

4. Application fees as determined by the City's Fee Resolution.

B. All applications for reimbursement shall be filed no later than one year after the acceptance of the improvements by the City. The City will make no effort to delay project approval or otherwise condition payment of reimbursements from other properties benefitting from the improvements prior to completion of a reimbursement agreement.

17.62.050 - Reimbursement Agreement

A. Within 60 days of receipt of a completed application, the Public Works Director shall prepare a reimbursement agreement containing the following provisions:

1. The amount of reimbursable costs shall include construction costs less any applicable credits plus 10 percent for administrative and engineering costs. Applicable Public Works fees shall also be added. Costs of financing, bonds or other applicant costs shall not be included.

2. The total reimbursable cost shall be apportioned to the benefiting properties as appropriate. Costs of transitions, utility stubs or other minor work shall not be apportioned to adjacent property.

3. The reimbursable amount shall be recalculated annually to include an amount attributable to interest, using the Engineering News Record 20 Cities Construction Cost Index as of the end of the year. The reimbursable amount for subsequent years shall be the prior year reimbursable amount less any reimbursements made during the year, all multiplied by the percentage change in the Index over the year.

4. The agreement shall provide that the City will collect the appropriate charge from the properties identified in the agreement and reimburse the applicant or the applicant's heirs, successors or assigns, for a period of 15 years from the date of the agreement only. Reimbursement agreements to recover funds advanced by City for projects shall expire after 15 years; reimbursement charges will not be collected after that time.

5. Prior to approval of the reimbursement agreement, the Council shall conduct a public hearing. The hearing shall be conducted within 90 days of receipt of the completed application. The applicant and property owner of each parcel identified in the reimbursement agreement shall be notified of the hearing by registered mail at least 10 calendar days prior to the hearing.

B. The reimbursement agreement shall be numbered and filed by the Public Works Director.

17.62.060 - Collection of Reimbursements

A. For any property on which the Council has approved a public improvement reimbursement agreement, the appropriate charge shall be collected by the city upon development. Development shall mean any of the following:

1. Service connection to the utility covered by the reimbursement agreement;

2. Filing of a Final Map;

3. Filing of a Parcel Map unless the City requirement for installation of public improvements is waived or deferred; or

4. Issuance of a Building Permit.

B. In the event the activity described in Subsection A only occurs on a portion of the area covered by the reimbursement agreement, the reimbursement charge shall be apportioned by the Public Works Director and the appropriate charge made upon the developing portion.

17.62.070 - Payment of Reimbursements

A. Upon collection of reimbursement charges, the Public Works Director shall prepare a letter of entitlement stating the amount of the charge collected, reference the agreement number and administrative charge to be retained by the City. The letter shall be forwarded to the Finance Director for actual reimbursement.

B. The administrative fee for collecting the charge and mailing the reimbursement shall be determined by the Council.

C. The Finance Director shall mail the reimbursement amount to the last address of the applicant on file with the Finance Director.

D. Any reimbursement amount returned or unclaimed after two years from the date of mailing shall be deposited in the appropriate development impact mitigation fee fund.

CHAPTER 17.64 - SURVEYS AND MONUMENTS

Sections:

17.64.010 - Purpose of Chapter
17.64.020 - Survey Procedure and Practice
17.64.030 - Monuments
17.64.040 - Survey Information on Final or Parcel Map

17.64.010 - Purpose of Chapter

This Chapter provides requirements for subdivision survey work and the placement of subdivision monuments.

17.64.020 - Survey Procedure and Practice

The procedure and practice of all survey work done on any subdivision, whether for preparation of a Final Map or Parcel Map shall conform to the standard practices and principles of land surveying, the California Land Surveyor's Act, and the provisions of this Article. All related documents shall be executed by a registered civil engineer licensed to practice land surveying in California, or a California-licensed land surveyor.

A. **Traverse.** The traverse of the exterior boundaries of the subdivision computed from field measurements of the ground must close within a limit of error of one foot to 10,000 feet of perimeter before balancing the survey.

B. **Field notes.** When required by the Public Works Director, the engineer or surveyor making the survey shall prepare complete field notes, in a form satisfactory to the Public Works Director, showing references, ties, locations, elevations and other necessary data relating to monuments, set in compliance with these regulations, and shall submit the notes to the Public Works Director to be indexed and retained as a part of the permanent public record of his office.

C. **Geodetic monuments.** Whenever the Public Works Director has established a system of coordinates which is within a reasonable distance of the subdivision boundary, as determined by the Public Works Director, the field survey shall be tied into the City's monument system.

17.64.030 - Monuments

In surveying a subdivision, the engineer or surveyor shall set sufficient permanent monuments so that any part of the survey may be readily retraced. Survey monuments shall be set by the engineer or surveyor for all new subdivisions requiring a Parcel Map or Final Map (Division 16-122, Subdivision Map Approval Requirements), unless waived by the Public Works Director, in compliance with this Section.

A. **Boundary monuments.**

1. Boundary monuments shall be set on the exterior boundary of the subdivision at all corners, angle points, beginnings and ends of curves and at intermediate points approximately 1,000 feet apart. The locations of inaccessible points may be established by ties and shall be so noted on the Final Map or Parcel Map.

2. All exterior boundary monuments shall be set prior to recordation of the Final Map or Parcel Map or as certified on the Final Map or Parcel Map.

B. **Interior monuments.** Whenever interior monuments are required, the monuments shall be set in compliance with the City of Lodi Public Works Department Public Improvement Design Standards, or as otherwise required by the Public Works Director.

C. **Monument type and positioning.** All monuments set in the course of the survey shall be as specified by the Public Works Director and shall be set to the depth and in the manner prescribed by the Public Works Director in the Public Improvement Design Standards.

D. **Identification marks.** All monuments shall be permanently and visibly marked or tagged with the registration or license number of the engineer or surveyor who signs the engineer's or surveyor's certificate and under whose supervision the survey is made.

E. **Replacement of destroyed monuments.** Any monument which is disturbed or destroyed before acceptance of all improvements by the City shall be replaced by the developer.

F. **Timing of monument installation**. The timing of the installation of a monument shall be in compliance with the Map Act (Section 66496).

G. **Notice of completion.** Within five days after all monuments have been set, the engineer or surveyor shall give written notice to the developer and the Public Works Director that the final monuments have been set. Verification of payment to the engineer or surveyor shall be filed as required by the Map Act (Article 9, Chapter 4). The cost of setting monuments shall be included in the engineer's estimate for improvements in compliance with Section 17.60.040 (Improvements Agreements and Security).

H. **Inspection and approval.** All monuments shall be subject to the inspection and approval of the Public Works Director.

17.64.040 - Survey Information on Final or Parcel Map

The following survey information shall be shown on each Final Map or Parcel Map for which a field survey was made in compliance with this Article.

A. Stakes, monuments (together with their precise position and description) or other evidence found on the ground, to determine the boundaries of the subdivision;

B. Corners of all adjoining properties identified by lot and block numbers, subdivision names, numbers and pages of record, or by section, township and range, or other proper designation;

C. The location and description of any required monuments to be set after recordation of the Final Map, and the statement that they are "to be set";

D. Bearing and length of each lot line, block line and boundary line and each required bearing and distance;

E. Length, radius, and angle of each curve and the bearing of each radial line to each lot corner on each curve;

Surveys and Monuments

F. The centerlines of any street or alley in or adjoining the subdivision which have been established by the Public Works Director, together with reference to a field book or map showing the centerline and the monuments which determine its position. If determined by ties, that fact shall be so stated; and

G. Any other survey data or information as may be required to be shown by the Public Works Director or by the provisions of this Article.

ARTICLE 6

Development Code Administration

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CHAPTER 17.66 - ADMINISTRATIVE RESPONSIBILITY

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17.66.020 - Planning Agency Defined
17.66.030 - City Council
17.66.040 - Planning Commission
17.66.050 - Site Plan and Architectural Approval Committee (SPARC)
17.66.060 - Community Development Director

17.66.010 - Purpose of Chapter

This Chapter describes the authority and responsibilities of City staff and official bodies in the administration of this Development Code, in addition to the Council.

17.66.020 - Planning Agency Defined

The functions of a Planning Agency shall be performed by the Lodi City Council, Planning Commission, Site Plan and Architectural Review Committee, Community Development Director, and Community Development Department, in compliance with State law (Government Code Sections 65100, et seq.)

17.66.030 - City Council

The Lodi City Council, in matters related to the City's planning process, shall perform the duties and functions identified in this Development Code and shall be referred to as the “Council.”

17.66.040 - Planning Commission

A. **Establishment.** The seven-member Lodi Planning Commission is established by Section 2.16.010 (Establishment) of this Code and shall be referred to in this Development Code as the “Commission.”

B. **Appointment.** The members of the Commission are appointed by the Mayor with the consent of the Council in compliance with Section 2.16.020 (Appointment) of the Municipal Code.

C. **Rules.** The Commission shall adopt rules of order and procedure in compliance with Section 2.16.030 (Officers, Rules, Powers and Duties) of the Municipal Code.

D. **Terms of office.** The terms of office of the members of the Commission shall be for four years from their respective dates of appointment in compliance with Section 2.16.040 (Terms of Office) of the Municipal Code.

E. **Authority and duties.** The Commission shall have the authority to perform the duties and functions established by Section 2.16.030 (Officers, Rules, Powers and Duties) of the Municipal Code and shall perform the duties and functions identified in this Development Code.

17.66.050 - Site Plan and Architectural Approval Committee (SPARC)

A. **Establishment.** The Lodi Site Plan and Architectural Approval Committee is hereby established and shall be referred to in this Development Code as the "SPARC."

B. **Appointment.** The SPARC members shall be appointed by the Mayor with the consent of the Council.

C. **Membership.** The SPARC shall consist of four members, appointed as identified above, and one member appointed by the Commission from among its membership. Each shall be appointed to a four-year term. Commission member is Vice-chairman on a rotating basis.

D. **Authority and duties.** The SPARC shall have the authority to assist the Commission in reviewing site plans and architectural drawings and shall perform the duties and functions identified in this Development Code.

17.66.060 - Community Development Director

A. **Appointment.** The Community Development Director shall be appointed by the City Manager and shall be referred to in this Development Code as the "Director." Whenever the term Director is used in this Development Code, it shall be understood to include the phrase "or designee."

B. **Duties and authority.** The Director shall:

1. Have the responsibility to perform all of the functions designated by State law (Government Code Section 65103 [Planning Agency Functions]);

2. Have the responsibility and authority to take action on applications for all administrative permits and approvals issued by the Department;

3. Perform other responsibilities assigned by the City Manager; and

4. Perform the duties and functions identified in this Development Code, including the initial review of land use applications, in compliance with State law (Government Code Sections 65901 et seq.), Section 17.38.020 (Authority for Land Use and Zoning Decisions), Table 4-1 (Review Authority), the California Environmental Quality Act (CEQA), and the *Lodi Environmental Review Guidelines*.

C. **Delegation and supervision.** The Director may delegate the responsibilities of the Director to assigned Department staff under the supervision of the Director. When the Director designates a Department staff person, the staff person shall perform the duties assigned by the Director in addition to those listed in Subsection B. above, as appropriate to the personnel title of the designee.

CHAPTER 17.68 - NONCONFORMING USES, STRUCTURES, AND PARCELS

Sections:

17.68.010 - Purpose of Chapter
17.68.020 - Restrictions on Nonconforming Uses and Structures
17.68.030 - Nonconforming Signs
17.68.040 - Single-and Multi-Family Dwelling Units Exempt
17.68.050 - Public Structures and Utilities Exempt
17.68.060 - Nonconforming Parcels
17.68.070 - Conformity of Uses Requiring Use Permits
17.68.080 - Unlawful Uses and Structures
17.68.090 - Nuisance Abatement

17.68.010 - Purpose of Chapter

This Chapter establishes uniform provisions for the regulation of nonconforming uses, structures, and parcels, as these terms are defined in Article 7 (Definitions).

A. Within the zoning districts established by this Development Code, there exist land uses, structures, and parcels that were lawful before the adoption, or amendment of this Development Code, but which would be prohibited, regulated, or restricted differently under the terms of this Development Code or future amendments.

B. It is the intent of this Development Code to discourage the long-term continuance of these nonconformities, but to permit them to exist under limited conditions.

C. This Chapter does not apply to land uses, structures, and parcels that were illegally established, constructed, or divided. These are instead subject to Chapter 17.76 (Enforcement).

17.68.020 - Restrictions on Nonconforming Uses and Structures

Nonconformities may be continued subject to the following provisions.

A. Nonconforming uses of land. A nonconforming use of land, or a nonconforming use within a structure, may be continued, transferred, or sold, only as follows.

1. Prohibited activities for a nonconforming use. Owners or tenants of nonconforming uses shall not:

a. Enlarge, expand, extend, or increase the nonconforming use either on the same or adjoining parcel(s), except in compliance with the provisions of this Development Code;

b. Extend the nonconforming use to occupy a greater area of land than that occupied by the use at the time it became nonconforming. A nonconforming use of a portion of the structure which otherwise conforms to the regulations of the subject zoning district shall not be expanded or extended into any other portion of the structure nor changed except to a conforming use;

c. Move the nonconforming use, in whole or in part, to any other location on the subject parcel; or

d. Retain the benefits under this Chapter if the nonconforming use ceases for 180 days or longer, in compliance with Subparagraph 3. (Loss of nonconforming use status), below.

2. Replacement of a nonconforming use.

a. A nonconforming use may be changed to a use of the same or more restrictive classification.

b. The replacement use shall serve as the "new bench mark" in terms of establishing the acceptable level of nonconformity.

c. Where a nonconforming use is changed to a use of a more restrictive classification, it shall not thereafter be changed to a use of a less restrictive classification.

d. An example of a change to a more restrictive classification would be changing from a restaurant with drive-in or drive through service to an auto parts sales store, or from an auto repair and maintenance facility (major) to a business support service facility in compliance with Table 2-6 (Commercial - Allowed Uses and Permit Requirements) in Article 2 (Land Use and Development Standards).

3. Loss of nonconforming use status. Without any further action by the City, a nonconforming use shall not retain the benefits under this Chapter if:

a. The nonconforming use of land, or a nonconforming use within a structure, ceases for any reason for 180 days or more;

(1) A vacant nonconformity may be occupied by a use for which it was designed if so occupied within a period of 180 days after the effective date of this Development Code or after the date when the nonconformity first became vacant.

(2) If the use is discontinued for a period of 180 days or more, the land or structure shall lose its nonconforming status, and shall be altered to conform to the provisions of this Development Code. The use shall be considered discontinued when any of the following apply:

(a) The intent of the owner to discontinue use of the nonconformity is apparent; or

(b) Where characteristic furnishings and equipment of the use have been removed and not replaced with equivalent infrastructure during this time.

b. The structure in which the nonconforming use is conducted or maintained is moved any distance on the site for any reason, or is removed from the site.

c. The 180-day period shall begin to run as soon as the Department becomes aware of the fact that the nonconforming use has been discontinued, moved, or removed in compliance with Subparagraphs a. and b., above.

4. **Additional uses.** Additional uses may be allowed on the site of a nonconforming use only in the case of a multi-tenant structure or site, or where the nonconforming use is first discontinued, and any replacement use complies with all applicable provisions of this Development Code.

5. **Replacement uses.** The use of a site after the discontinuance or removal of a nonconforming use shall comply with all applicable requirements of this Development Code and the applicable zoning district.

B. Nonconforming structures.

1. **Normal maintenance.** A nonconforming structure may undergo normal maintenance and repairs including painting, interior and exterior wall surface repair, window and roof repair, and fixture replacement, in compliance with this Subparagraph.

2. **Nonconforming as to use.** A structure which is nonconforming in terms of use regulations may:

   a. Not be added to or enlarged unless the structure, including every portion of the structure, is made to conform to all of the applicable provisions of this Development Code.

   b. Undergo normal maintenance and repairs (e.g., painting, interior and exterior wall surface repair, window and roof repair, and fixture replacement) provided that no structural alterations shall be made except for those required by law or ordinance.

3. **Nonconforming as to area, height, or setback regulations.** A structure which is nonconforming in terms of area, height, or setback regulations may undergo additions or alterations, provided that the additions or alterations comply with all applicable provisions of this Development Code.

4. **Moving of a nonconforming structure.** A nonconforming structure shall not be moved in whole or in part to any other location, either on the same parcel or on another parcel, unless every portion of the structure is made to conform to all of the applicable provisions of this Development Code after being moved.

5. **Replacement after destruction.**

   a. Not over 50 percent. A nonconforming structure that is involuntarily damaged or partially destroyed by fire or any other calamity or act of God may be restored, provided the total cost of restoration shall not exceed an aggregate total of 50 percent of the then assessed value of the structure.

   b. Over 50 percent. If the damage or destruction exceeds 50 percent of the then assessed value of the structure, no repairs or reconstruction shall be made unless every portion of the structure is made to conform to all of the applicable provisions of this Development Code.

   c. Assessed value. For the purpose of this Subparagraph, "assessed value" shall mean the then assessed value of the structure as shown on the current County property assessment

rolls in effect at the time of the occurrence of the casualty, or on the date of application for the required Building Permit.

6. **Replacement of a residential structure after destruction.** Any residential structure legally existing as a nonconforming use in any non-residential zoning district may be rebuilt or restored if damaged or destroyed by fire or any other calamity or act of God, provided the rebuilding or restoration is commenced within 180 days of the damage or destruction and diligently pursued to completion. However, the rebuilt or restored structure shall not exceed the square footage of the original structure and shall otherwise conform to all other applicable regulations for residential structures. (See also Section 17.68.040 [Single-and Multi-Family Dwelling Units Exempt], below.)

7. **Seismic retrofitting/Building Code compliance.** Repairs or alterations otherwise required by law shall be allowed in the following circumstances:

   a. Reconstruction required to reinforce unreinforced masonry structures shall be allowed without cost limitations, provided the retrofitting is limited exclusively to compliance with earthquake safety standards; and

   b. Reconstruction required to comply with California Building Code requirements shall be allowed without cost limitations, provided the retrofitting/Code compliance is limited exclusively to compliance with earthquake safety standards and/or other applicable Building Code requirements, including State law (e.g., Title 24, California Code of Regulations, etc).

8. **Initiation of construction.** Nothing contained in this Chapter shall require any change in the plans, construction, or designated use of any structure upon which actual construction was lawfully initiated before the effective date of this Development Code. For the purposes of this Development Code, actual construction shall mean the placing of construction materials in a permanent manner, excavation of a basement, or demolition of existing structures preparatory to rebuilding; provided, that in all cases construction work shall be diligently pursued until completion of the subject structure(s).

17.68.030 - Nonconforming Signs

Requirements for nonconforming signs are provided by Section 17.34.100 (Nonconforming Signs).

17.68.040 - Single-and Multi-Family Dwelling Units Exempt

A. **Dwellings.** Nonconforming single- and multi-family dwellings located in any zoning district that have been involuntarily damaged or destroyed by a catastrophic event may be reconstructed or replaced with a new structure(s) using the same development standards applied to the damaged or destroyed structure(s) (e.g., setbacks, square footage, building height, and density standards), but only when the reconstructed or replacement structures comply with State law (Government Code Section 65852.25).

B. **Mobile homes.** A nonconforming mobile home may be replaced with a new or newer and larger mobile home placed in the same location as the former unit, subject to Site Plan and Architectural Approval (Section 17.40.020).

C. **Code compliance.** All new construction shall comply with current Building, Electrical, Plumbing, and Fire Code requirements.

D. **Site Plan and Architectural Approval.** The Director may require Site Plan and Architectural Approval (Section 17.40.020) for the replacement of a destroyed dwelling or residential project.

17.68.050 - Public Structures and Utilities Exempt

Nothing in this Chapter shall be construed to require the discontinuance, removal, or termination, or to prohibit the alteration, expansion, maintenance, modernization, rebuilding, reconstruction, repair, or replacement of a publicly owned structure or utility.

17.68.060 - Nonconforming Parcels

A. **Determination of nonconforming status.** A nonconforming parcel of record that does not comply with the access, area, or dimensional requirements of this Development Code for the zoning district in which it is located, shall be considered to be a legal building site if it meets one of the criteria specified by this Section. It shall be the responsibility of the applicant to produce sufficient evidence to establish the applicability of one or more of the following.

1. **Approved subdivision.** The parcel was created through a subdivision approved by the City or the County, before incorporation.

2. **Individual parcel legally created by deed.** The parcel is under one ownership and of record, and was legally created by a recorded deed before the effective date of the zoning amendment that made the parcel nonconforming.

3. **Variance or lot line adjustment.** The parcel was approved through the Variance procedure (Section 17.40.050) or its current configuration resulted from a lot line adjustment.

4. **Partial government acquisition.** The parcel was created in conformity with the provisions of this Development Code, but was made nonconforming when a portion of the parcel was acquired by a governmental entity.

B. Limitations on use of nonconforming parcels. Nonconforming parcels shall be developed and used only as follows.

1. **Site Plan and Architectural Approval required.** The Director may require Site Plan and Architectural Approval (Section 17.40.020) for development proposed on nonconforming parcels.

2. **Further subdivision prohibited.** Where structures have been erected on a nonconforming parcel, the area where the structures are located shall not be later subdivided, nor shall lot lines be altered through lot line adjustment, so as to reduce the building site area and/or frontage below the requirements of the applicable zoning district or other applicable provisions of this Development Code, or in any way that makes the use of the parcel more nonconforming.

17.68.070 - Conformity of Uses Requiring Use Permits

A. Use allowed with Use Permit approval.

1. Any use of a structure for which a Use Permit is required, or for which a Use Permit may be granted, which use is existing at the time of adoption of this Development Code , in any zoning district in which the use is allowed subject to the granting of a Use Permit, shall without further City action, be considered a conforming use.

2. A land use that was legally established without a Use Permit, but would be required by current Development Code provisions to have Use Permit approval, shall not be altered in any way unless a Use Permit is first obtained.

B. Use no longer allowed with Use Permit approval. A land use that was established with Use Permit approval, but is not allowed with Use Permit approval by the current Development Code may continue only in compliance with the original Use Permit. If the original Use Permit specified a termination date, then the use shall terminate in compliance with the Use Permit.

17.68.080 - Unlawful Uses and Structures

A. Violations. Uses and structures which did not comply with the applicable provisions of this Development Code or prior planning and zoning regulations when established are violations of this Development Code and are subject to the provisions of Chapter 17.76 (Enforcement).

B. Illegal uses and structures prohibited. This Chapter does not grant any right to continue occupancy of property containing an illegal use or structure.

C. Permits required. The illegal use or structure shall not continue unless/until permits and entitlements required by this Development Code and the Municipal Code are first obtained.

17.68.090 - Nuisance Abatement

In the event that a nonconforming use or structure is found to constitute a public nuisance, appropriate action shall be taken by the City, in compliance with Chapter 17.76 of this Code.

CHAPTER 17.70 - APPEALS

Sections:

17.70.010 - Purpose of Chapter
17.70.020 - Commission's Review
17.70.030 - Council's Review
17.70.040 - Eligibility
17.70.050 - Appeal Subjects and Jurisdiction
17.70.060 - Application Filing, Processing, Review and Action

17.70.010 - Purpose of Chapter

This Chapter establishes procedures for the following:

A. **Commission's review.** The Commission's review of a decision rendered by the Director or SPARC;

B. **Council's review.** The Council's review of a decision rendered by the Commission; and

C. **Eligibility.** Other eligible appellants, as identified in Section 17.70.040 (Eligibility), below.

17.70.020 - Commission's Review

A. **Review.** The Commission may choose to review a decision rendered by the Director or SPARC.

B. **Discussion.**

1. A member of the Commission may request the opportunity to discuss any decision previously rendered.

2. A majority vote of the Commission is required to initiate an appeal of the decision.

C. **Appeal.** Once the vote to initiate an appeal is passed by a majority, the matter shall be scheduled for hearing by the Director.

17.70.030 - Council's Review

A. **Review.** The Council may choose to review a decision rendered the Commission.

B. **Discussion.**

1. A member of the Council may request the opportunity to discuss any decision previously rendered.

2. A majority vote of the Council is required to initiate an appeal of the decision.

C. **Appeal.** Once the vote to initiate an appeal is passed by a majority, the matter shall be scheduled for hearing by the City Clerk.

D. Decision final. The decision of the Council on the appeal shall be final and shall become effective upon adoption of the resolution by the Council.

17.70.040 - Eligibility

An appeal may be filed by:

A. Administrative determination. Any person affected by an administrative determination or action by the Director.

B. Land use permit or hearing decision. In the case of a land use permit or hearing decision, by anyone who, in person or through a representative, presented testimony at a public hearing in connection with the decision being appealed, or who otherwise informed the City in writing of the nature of their concerns before the hearing.

17.70.050 - Appeal Subjects and Jurisdiction

Determinations and actions that may be appealed, and the authority to act upon an appeal shall be as follows.

A. Ordinance administration and interpretation. The following determinations and actions of the Director or SPARC may be appealed to the Commission and then to the Council:

1. Determinations on the meaning or applicability of the provisions of this Development Code that are believed to be in error, and cannot be resolved with staff;

2. Any determination that a permit application or information submitted with the application is incomplete, in compliance with State law (Government Code Section 65943); and

3. Any enforcement action in compliance with Chapter 17.76 (Enforcement).

B. Permit/entitlement and hearing decisions. Decisions by the Director or SPARC may be appealed to the Commission. Decisions by the Commission may be appealed to the Council.

17.70.060 - Appeal Filing, Processing, Review and Action

A. Timing and form of appeal.

1. Appeal applications shall be submitted before 5:00 p.m. on the 10th business day following the date the decision is rendered by the Director or SPARC, or the adoption of the resolution by the Commission.

2. Appeal applications addressed to the Commission shall be filed with the Department, while appeals addressed to the Council shall be filed with the City Clerk.

3. The appeal application shall:

   a. Specifically state the pertinent facts of the case and the basis for the appeal;

b. Be accompanied by the information identified in the Department handout for appeal applications; and

c. Be accompanied by the filing fee established by the Council's Fee Resolution.

B. Delay of proceedings. Filing of an appeal shall delay all proceedings associated with the matter subject to the appeal (e.g., issuance of a Certificates of Occupancy, Building or Grading Permit, etc.), pending the City's final action on the appeal.

C. Joining an appeal.

1. Only those persons who file an appeal within the specified appeal period shall be considered appellants of the matter under appeal.

2. Any person who wishes to join an appeal shall follow the same procedures for an appellant.

3. A person(s) shall not be allowed to join an appeal after the end of the specified appeal period.

D. Action on appeals. The appeal body shall conduct a public hearing in compliance with Chapter 17.74 (Public Hearings).

1. Scope of review and decision. When reviewing an appeal the review authority may:

a. Consider any issues associated with the decision being appealed, in addition to the specific grounds for the appeal. The review authority shall also consider any environmental determination applicable to the entitlement or decision being appealed;

. By resolution, uphold, uphold in part, or reverse the action, the determination, or decision that is the subject of the appeal;

c. Adopt additional conditions of approval deemed reasonable and necessary; and

d. Disapprove the land use permit approved by the previous review authority, even though the appellant only requested a modification or elimination of one or more conditions of approval.

2. New evidence. If new or different evidence is presented during the appeal hearing, the Commission or Council, may refer the matter back to the Director, SPARC, or Commission, as applicable, for a report on the new or different evidence before a final decision on the appeal.

3. Findings. When reviewing an appeal the review authority shall adopt findings in support of the intended action on the appeal. The nature of the findings shall be in compliance with the findings adopted by the original review authority (e.g., Use Permits 17.40.040, Planned Development Permits 17.40.060, Variances 17.40.050, etc.)

E. Mailing of resolution. The Director or City Clerk, as applicable to the level of review authority, shall mail a copy of the resolution to the appellant, the applicant (if not the appellant), the Commission, and the Council within 10 days after the date the decision is rendered.

CHAPTER 17.72 - AMENDMENTS

Sections:

17.72.010 - Purpose of Chapter
17.72.020 - Applicability
17.72.030 - Initiation of Amendments
17.72.040 - Hearings and Notice
17.72.050 - Commission's Action on Amendments
17.72.060 - Council's Action on Amendments
17.72.070 - Findings and Decision
17.72.080 - Effective Date
17.72.090 - Prezoning

17.72.010 - Purpose of Chapter

This Chapter establishes provisions for the amendment of the General Plan, the official Zoning Map, or this Development Code whenever required by public necessity and general welfare.

17.72.020 - Applicability

A. **General Plan.** A General Plan amendment may include revisions to text or diagrams.

B. **Zoning Map.** A Zoning Map amendment has the effect of rezoning property from one zoning district to another.

C. **Development Code.** A Development Code amendment may modify any standard, requirement, or procedure applicable to land use and/or development within the City.

17.72.030 - Initiation of Amendments

An amendment to the General Plan, the Zoning Map, or this Development Code shall be initiated in compliance with this Section.

A. **Who may initiate an amendment.** An amendment may be initiated by:

1. The Council;

2. The Commission;

3. The Director; or

4. The filing of an amendment application with the Department by an eligible applicant, **EXCEPT** for a Development Code amendment, which may **ONLY** be initiated by the Council or Commission or Director.

B. Application filing and processing.

1. An application for an amendment shall be filed and processed in compliance with Chapter 17.38 (Application Filing and Processing).

2. The application shall be accompanied by the information identified in the Department handout for amendment applications.

17.72.040 - Hearings and Notice

A. Scheduling of hearings. Upon receipt of a complete application to amend the General Plan, the Zoning Map, or Development Code, or upon initiation by the Commission or Council, and following Department review, public hearings shall be scheduled before the Commission and Council.

B. Notice of hearings. Notice of the hearings shall be given in compliance with Chapter 17.74 (Public Hearings).

17.72.050 - Commission's Action on Amendments

A. Commission's recommendation. The Commission shall make a written recommendation to the Council whether to approve, approve in modified form, or disapprove the proposed amendment, based upon the findings contained in Section 17.72.070 (Findings and Decision), below.

B. Recommendation for disapproval. The decision of the Commission, recommending disapproval of the amendment, shall be final unless, within 20 days after the Commission's action, the applicant/appellant files a written appeal with the City Clerk requesting a hearing before the Council.

17.72.060 - Council's Action on Amendments

A. Approval or disapproval of amendment. Upon receipt of the Commission's recommendation, the Council shall, approve, approve in modified form, or disapprove the proposed amendment based upon the findings in Section 17.72.070 (Findings and Decision), below.

B. Referral to Commission.

1. If the Council proposes to adopt any substantial modification to the amendment not previously considered by the Commission during its hearings, the proposed modification shall be first referred back to the Commission for its recommendation, in compliance with State law (Government Code Sections 65356 [General Plan amendments] and 65857 [Zoning Map/Development Code Amendments]).

2. Failure of the Commission to report back to the Council within 45 days for General Plan amendments or 40 days for Zoning Map/Development Code amendments after the referral, or within a longer time set by the Council, shall be deemed a recommendation for approval of the modification.

17.72.070 - Findings and Decision

A. Findings for General Plan amendments. An amendment to the General Plan may be approved only if all of the following findings of fact can be made in a positive manner:

1. The proposed amendment is internally consistent with the General Plan;

2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City;

3. The site is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested/ anticipated land use developments; and

4. The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA), and the *Lodi Environmental Review Guidelines*.

B. Findings for Zoning Map/Development Code amendments. An amendment to the Official Zoning Map or this Development Code may be approved only if the review authority first finds all of the following, as applicable to the type of amendment.

1. Findings required for all Zoning Map/Development Code amendments:

a. The proposed amendment is consistent with the General Plan;

b. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and

c. The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA), and the *Lodi Environmental Review Guidelines*.

2. Additional finding for Zoning Map amendments: The site is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designations and anticipated land uses/developments.

3. Additional finding for Development Code amendments: The proposed amendment is internally consistent with other applicable provisions of this Development Code.

17.72.080 - Effective Date

A Zoning Map/Development Code amendment shall become effective on the 31st day following the adoption of an ordinance by the Council in compliance with Chapter 17.72 of this Development Code. A General Plan amendment shall become effective upon the adoption of a resolution by the Council.

17.72.090 - Prezoning

A. Purpose. An unincorporated property within the City's sphere of influence may be prezoned to the zoning district that would apply upon annexation to the City.

Amendments

B. Initiation and processing. A prezoning shall be initiated, processed, and approved or disapproved in the same manner as provided for other amendments by this Chapter.

C. Application of official zoning designation. Upon the effective date of annexation, the zoning designation established by prezoning shall become the official zoning for the property and shall be so designated on the Zoning Map.

CHAPTER 17.74 - PUBLIC HEARINGS

Sections:

17.74.010 - Purpose of Chapter
17.74.020 - Notice of Hearing
17.74.030 - Scheduling of Hearing
17.74.040 - Review Authority Decision and Notice
17.74.050 - Recommendation by Commission
17.74.060 - Effective Date of Decision
17.74.070 - Hearing Procedures

17.74.010 - Purpose of Chapter

This Chapter establishes procedures for public hearings before the Director, SPARC, Commission, and Council. When a public hearing is required by this Development Code, public notice shall be given and the hearing shall be conducted as provided by this Chapter.

17.74.020 - Notice of Hearing

When a land use permit, or other matter requires a public hearing, the public shall be provided notice of the hearing in compliance with State law (Government Code Sections 65090, 65091, 65094, and 66451.3, and Public Resources Code 21000 et seq.), and as required by this Chapter.

A. Contents of notice. Notice of a public hearing shall include:

1. **Hearing information.** The date, time, and place of the hearing and the name of the hearing body; a brief description of the City's general procedure concerning the conduct of hearings and decisions; and the phone number and street address of the Department, where an interested person could call or visit to obtain additional information;

2. **Project information.** The name of the applicant; the City's file number assigned to the application; 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

3. **Statement on environmental document.** If a draft Negative Declaration or Environmental Impact Report has been prepared for the project in compliance with the *Lodi Environmental Review Guidelines*, the hearing notice shall include a statement that the hearing body will also consider approval of the draft Negative Declaration or certification of the final Environmental Impact Report.

B. Method of notice distribution. Notice of a public hearing required by this Chapter for a land use permit, amendment, or appeal shall be given as follows, as required by State law (Government Code Sections 65090 and 65091).

1. **Publication.** Notice shall be published at least once in a newspaper of general circulation in the City at least 10 days before the date of the hearing.

2. **Mailing.** Notice shall be mailed or delivered at least 10 days before the date of the hearing to the following:

   a. **Owners of the project site.** The owners of the property being considered in the application, or the owner's agent, and the applicant;

   b. **Local agencies.** Each local agency expected to provide schools, utilities, or other essential facilities or services to the project, whose ability to provide the facilities and services may be significantly affected;

   c. **Affected owners.** All owners of real property as shown on the latest County equalized assessment roll, within a radius of 300 feet from the exterior boundaries of the parcel that is the subject of the hearing; and any other person whose property might, in the judgment of the Director, be affected by the proposed project; and

   d. **Persons requesting notice.** Any person who has filed a written request for notice with the Director and has paid the required fee for the notice.

3. **Alternative to mailing.** If the number of property owners to whom notice would be mailed in compliance with Subsection B.2 above is more than 1,000, the Director may choose to provide the alternative notice allowed by State law (Government Code Section 65091(a)(3)).

4. **Additional notice.** In addition to the types of notice required above, the Director may provide any additional notice with content or using a distribution method as the Director determines is necessary or desirable.

17.74.030 - Scheduling of Hearing

After the completion of any environmental documents required by the California Environmental Quality Act (CEQA), the matter shall be scheduled for public hearing on a Director, SPARC, Commission, or Council agenda (as applicable).

17.74.040 - Review Authority Decision and Notice

A. Decision.

1. The review authority (Director, SPARC, Commission, or Council, as applicable) may announce and record their decision on the matter being considered at the conclusion of a scheduled hearing, defer action and continue the matter to a later meeting agenda in compliance with Section 17.74.070 (Hearing Procedures), or, in the case of the Director, take the matter under advisement.

2. The Director may instead refer the matter to the Commission for determination. A referral will require a new noticed hearing before the Commission.

3. The decision of the Council on any matter shall be final.

B. Notice of decision. The notice of decision shall contain any conditions of approval, and reporting/monitoring requirements deemed necessary to mitigate any impacts and protect the public convenience, health, interest, safety, or general welfare of the City.

C. Mailing of the notice.

1. After the final decision or recommendation is rendered by the review authority, notice of the decision shall be mailed to the applicant at the address shown on the application.

2. A copy of the notice of decision shall also be sent to the property owner, if different from the applicant and to all other persons who have filed a written request for notice.

17.74.050 - Recommendation by Commission

A. Commission's action. At the conclusion of any public hearing on an amendment (e.g., General Plan, Zoning Map, or Development Code), a development agreement, or a specific plan the Commission shall forward a recommendation, including all required findings, to the Council for final action.

B. Mailing of recommendation. Following the hearing, a copy of the Commission's recommendation shall be mailed to the applicant at the address shown on the application.

17.74.060 - Effective Date of Decision

A decision of the Director, SPARC, or Commission (other than a recommendation in compliance with Section 17.74.050) is final and effective after 5:00 p.m. on the 10th business day following the date of decision, unless an appeal is filed in compliance with Chapter 17.70 (Appeals).

17.74.070 - Hearing Procedures

A. Holding of hearings. Hearings shall be held at the date, time, and place described in the public notice required by this Chapter.

B. Continuances. If a hearing cannot be completed on the scheduled date, the presiding Councilperson or Commissioner, before the adjournment or recess of the hearing, may continue the hearing by publicly announcing the date, time, and place to which the hearing will be continued.

C. Additional notice not required. Additional notice for the continued hearing is not required.

CHAPTER 17.76 - ENFORCEMENT

Sections:

17.76.010 - Purpose of Chapter
17.76.020 - Permits and Licenses
17.76.030 - Official Duty to Enforce
17.76.040 - Violations
17.76.050 - Remedies are Cumulative
17.76.060 - Inspection
17.76.070 - Permit Revocation or Modification
17.76.080 - Initial Enforcement Action
17.76.090 - Legal Remedies
17.76.100 - Recovery of Costs
17.76.110 - Additional Permit Processing Fees
17.76.120 - Reinspection Fees

17.76.010 - Purpose of Chapter

This Chapter establishes provisions which are intended to ensure compliance with the requirements of this Development Code and any conditions of land use permit or subdivision approval, to promote the City's planning efforts, and for the protection of the public health, safety, and welfare of the City.

17.76.020 - Permits and Licenses

All departments, officials, and public employees of the City who are assigned the authority or duty to issue permits or licenses shall comply with the provisions of this Development Code.

A. **Permits in conflict with Development Code.** Permits for uses or structures that would be in conflict with the provisions of this Development Code shall not be issued.

B. **Permits deemed void.** Any permit issued in conflict with the provisions of this Development Code shall be deemed void.

C. **Actions deemed void.** Any action taken by an official or public employee of the City in conflict with the provisions of this Development Code shall be deemed void.

17.76.030 - Official Duty to Enforce

A. **Designated City officials.** The City Manager amd Director may:

1. Exercise the authority provided in Section 836.5 of the Penal Code; and

2. Issue citations for any violations of this Development Code pertaining to the use of any land and the addition, alteration, construction, conversion, erection, moving, reconstruction, or use of any structure.

B. **Other City officials.** All officials of the City charged by the law with the general duty of enforcing City ordinances shall also enforce the provisions of this Development Code.

17.76.040 - Violations

Any structure constructed or maintained contrary to the provisions of this Development Code and any use of land or structure operated or maintained contrary to the provisions of this Development Code are hereby declared to be a public nuisance.

A. **Public nuisance.** Any structure or use which is altered, constructed, converted, enlarged, erected, established, maintained, moved, or operated, contrary to the provisions of this Development Code or any applicable condition of approval imposed on a permit, is hereby declared to be unlawful and a public nuisance, and shall be subject to the remedies and penalties identified in this Chapter and Chapter 1.08 of the Municipal Code.

B. **Infractions.** Except where otherwise provided by this Development Code, it is an infraction for any person to do any act forbidden or fail to perform any act required by this Development Code. Penalties for infractions shall be in compliance with State law (Government Code Section 36900) and Chapter 1.08 of the Municipal Code.

C. **Stop Work Order.**

1. Any construction in violation of this Development Code or any conditions imposed on a permit shall be subject to the issuance of a "Stop Work Order."

2. Any violation of a Stop Work Order shall constitute an infraction, subject to the penalties described in Chapter 1.08 of the Municipal Code.

17.76.050 - Remedies are Cumulative

A. **New and separate offense.** Each day any violation of this Development Code continues is a new and separate offense.

B. **Cumulative, not exclusive.** All remedies contained in this Development Code for the handling of violations or enforcement of the provisions of this Development Code shall be cumulative and not exclusive of any other applicable provisions of City, County, State, or Federal law.

C. **Other remedies.** Should a person be found guilty and convicted of an infraction for the violation of any provision of this Development Code, the conviction shall not prevent the City from pursuing any other available remedy to correct the violations.

17.76.060 - Inspection

A. **Preapproval inspections.** Every applicant seeking a permit or any other action in compliance with this Development Code shall allow the City officials handling the application access to any premises or property which is the subject of the application.

B. **Post approval inspections.** If the permit or other action in compliance with this Development Code is approved, the owner or applicant shall allow appropriate City officials access to the premises in order to determine continued compliance with the approved permit and/or any conditions of approval imposed on the permit.

17.76.070 - Permit Revocation or Modification

A. Procedures. This Section provides procedures for securing punitive revocation or modification of previously approved land use permits or entitlements.

B. Revocations. The City's action to revoke an entitlement shall have the effect of terminating the entitlement and denying the privileges granted by the original approval.

C. Modifications.

1. The City's action to modify rather than revoke an entitlement shall have the effect of changing the operational aspects of the entitlement.

2. The changes may include the operational aspects related to buffers, duration of the entitlement, hours of operation, landscaping and maintenance, lighting, parking, performance guarantees, property maintenance, signs, surfacing, traffic circulation, etc.

D. Hearings and notice.

1. The appropriate review authority shall hold a public hearing to revoke or modify an application, entitlement, or permit granted in compliance with the provisions of Development Code.

2. Ten days before the public hearing, notice shall be delivered in writing to the applicant and/or owner of the property for which the permit was granted.

3. Notice shall be deemed delivered two days after being mailed, certified and first class, through the United States Postal Service, postage paid, to the owner as shown on the County's current equalized assessment roll and to the project applicant, if not the owner of the subject property.

E. Review authority action:

1. Permits. A land use entitlement or permit may be revoked or modified by the review authority (e.g., Director, SPARC, Commission, or Council) which originally approved the entitlement or permit, or the equivalent City review authority, for entitlements or permits originally approved under the County's authority, if any one of the following findings of fact can be made in a positive manner:

a. Circumstances under which the entitlement or permit was granted have been changed by the applicant to a degree that one or more of the findings contained in the original permit can no longer be made in a positive manner and the public health, safety, and welfare require the revocation;

b. The entitlement or permit was issued, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application, or in the applicant's testimony presented during the public hearing, for the entitlement or permit;

c. One or more of the conditions of the permit have not been substantially fulfilled or have been violated;

d. The use or structure for which the permit was granted has ceased to exist or has been suspended for at least 180 days, as defined in Section 17.68.020.A.3 (Loss of Nonconforming Status);

e. The improvement authorized in compliance with the permit is in violation of any code, law, ordinance, regulation, or statute; or

f. The improvement/use allowed by the permit has become detrimental to the public health, safety, or welfare, or the manner of operation constitutes or is creating a public nuisance.

2. Variances. A Variance (major or minor) may be revoked or modified by the review authority which originally approved the entitlement, or the equivalent City review authority, for entitlements originally approved under the County's authority, if any one of the following findings of fact can be made in a positive manner, in addition to those outlined in Subsection B.1, above:

a. Circumstances under which the entitlement or permit was granted have been changed by the applicant to a degree that one or more of the findings contained in the original permit can no longer be made in a positive manner, and the grantee has not substantially exercised the rights granted by the Variance; or

b. One or more of the conditions of the Variance have not been met, or have been violated, and the grantee has not substantially exercised the rights granted by the Variance.

17.76.080 - Initial Enforcement Action

This Section describes the procedures for initiating enforcement action in cases where the Director has determined that real property within the City is being used, maintained, or allowed to exist in violation of the provisions of this Development Code. It is the objective of these provisions to encourage the voluntary cooperation of responsible parties in the prompt correction of violations, so that the other enforcement measures provided by this Chapter may be avoided.

A. Notice to responsible parties. The Director shall provide the record owner of the subject site and any person in possession or control of the site with a written Notice of Violation, which shall include the following information:

1. A description of the violation, and citations of applicable Development Code provisions being violated;

2. A time limit for correcting the violation in compliance with Subsection B, below;

3. A statement that the City intends to charge the property owner for all administrative costs associated with the abatement of the violations in compliance with Section 17.76.100 (Recovery of Costs), and/or initiate legal action as described in Section 17.76.090 (Legal Remedies);

4. A statement that the property owner may request and be provided a meeting with the Director to discuss possible methods and time limits for the correction of the violations.

Enforcement

B. Time limit for correction.

1. The Notice of Violation shall state that the violations shall be corrected within 30 days from the date of the notice to avoid further enforcement action by the City, unless the responsible party contacts the Director within that time to arrange for a longer period for correction.

2. The 30-day time limit may be extended by the Director upon determining that the responsible party will likely correct the violations within a reasonable time.

3. The Director may also require through the Notice of Violation that the correction occur within less than 30 days if the Director determines that the violation constitutes a hazard to public health or safety.

C. Use of other enforcement procedures. The enforcement procedures of Section 17.76.090 (Legal Remedies) may be employed by the Director after or instead of the provisions of this Section where the Director determines that this Section would be ineffective in securing the correction of the violations within a reasonable time.

17.76.090 - Legal Remedies

The City may choose to undertake any, or a combination, of the following legal actions to correct and/or abate any nuisance or violation of this Development Code.

A. Civil actions.

1. Injunction. The City Attorney, upon order of the Council, may apply to the Superior Court for injunctive relief to terminate a violation of this Development Code.

2. Abatement proceedings. Where any person fails to abate a violation after being provided a Notice of Violation in compliance with Section 17.76.080.A and the opportunity to correct or end the violation, the City Attorney, upon order of the Council, shall apply to the Superior Court for an order authorizing the City to undertake actions necessary to abate the violation and require the violator to pay for the cost of the actions.

3. Nuisance abatement. The City may pursue nuisance abatement in compliance with the Lodi Municipal Code.

B. Civil remedies and penalties.

1. Civil penalties. Any person who willfully violates the provisions of this Development Code or any permit issued in compliance with this Development Code, shall be liable for a civil penalty in compliance with the Council's Fee Resolution for each day that the violation continues to exist.

2. Costs and damages. Any person violating any provisions of this Development Code or any permit issued in compliance with this Development Code, shall be liable to the City for the costs incurred and the damages suffered by the City, its agents, and agencies as a direct result of the violations.

3. Procedure. In determining the amount of the civil penalty to impose, the Court should consider all relevant circumstances, including the extent of the harm caused by the conduct

constituting a violation, the nature and persistence of the conduct, the length of time over which the conduct occurred, the assets, liabilities, and net worth of the defendant, whether corporate or individual, and any corrective action taken by defendant.

C. Criminal actions and penalties. Any person, whether as agent, principal, or otherwise, violating or causing the violation of any of the provisions of this Development Code shall be guilty of an infraction and shall be subject to the penalties identified in the bail schedule adopted by the San Joaquin County Superior Court.

D. No limit on City's options. The penalties identified in this Chapter do not limit the right of the City through its legal representative(s), as authorized by the Council upon request of the enforcing officials, to institute any appropriate legal procedure(s) as prescribed by law to abate, correct, enjoin, or restrain any actual or threatened violation of this Development Code.

17.76.100 - Recovery of Costs

This Section establishes procedures for the recovery of administrative costs, including staff and City Attorney time expended on the enforcement of the provisions of this Development Code in cases where no permit is required in order to correct a violation. The intent of this Section is to recover City administrative costs reasonably related to enforcement.

A. Record of costs.

1. The Department shall maintain records of all administrative costs, incurred by responsible City departments, associated with the processing of violations and enforcement of this Development Code, and shall recover the costs from the property owner in compliance with this Section.

2. Staff time shall be calculated at an hourly rate as established and revised from time to time by the Council.

B. Notice. Upon investigation and a determination that a violation of any of the provisions of this Development Code is found to exist, the Director shall notify the record owner or any person having possession or control of the property by mail, of the existence of the violation, the Department's intent to charge the property owner for all administrative costs associated with enforcement, and of the owner's right to a hearing on any objections they may have. The notice shall be in a form approved by the City Attorney.

C. Summary of costs and notice.

1. At the conclusion of the case, the Director shall send a summary of costs associated with enforcement to the owner and/or person having possession or control of the property by certified and first class mail.

2. The summary shall include a notice in a form approved by the City Attorney, advising the responsible party of their right to request a hearing on the charges for City cost recovery within 10 days of the date of the notice, and that if no request for hearing is filed, the responsible party will be liable for the charges.

3. In the event that no request for hearing is timely filed or, after a hearing the Director affirms the validity of the costs, the property owner or person in control shall be liable to the City in the amount stated in the summary or any lesser amount as determined by the Director.

4. The costs shall be recoverable by the City in any of the following manners:

   a. A civil action in the name of the City, in any court of competent jurisdiction; or

   b. By tax assessment; or

   c. By a lien on the subject property.

D. Request for hearing on costs. Any property owner, or other person having possession and control of the subject property, who receives a summary of costs shall have the right to a hearing before the Director on their objections to the proposed costs.

1. A request for hearing shall be filed with the Department within 10 days of the service by mail of the Department's summary of costs, on a form provided by the Department.

2. Within 30 days of the filing of the request, and on 10 days written notice, the Director shall hold a hearing on the objections, and determine their validity.

3. In determining the validity of the costs, the Director shall consider whether the total costs are reasonable in the circumstances of the case. Factors to be considered include: whether the present owner created the violation; whether there is a present ability to correct the violation; whether the owner moved promptly to correct the violation; the degree of cooperation provided by the owner; and whether reasonable minds can differ as to whether a violation exists.

4. The Director's decision shall be appealable directly to the Council in compliance with Chapter 17.70 (Appeals).

17.76.110 - Additional Permit Processing Fees

Any person who alters, constructs, converts, enlarges, erects, establishes, maintains, moves, or operates any land use or structure without first obtaining any permit required by this Development Code, shall pay the additional permit processing fees established by the Council's Fee Resolution for the correction of the violations, before being granted a permit for a use or structure on the site.

17.76.120 - Reinspection Fees

A. Amount and applicability of reinspection fee.

1. A reinspection fee shall be imposed on each person who receives a Notice of Violation, notice and order, or letter of correction of any provision of this Development Code, the Municipal Code, adopted Building Code, or State law.

   a. The fee amount shall be established by the Council's Fee Resolution.

   b. The fee may be assessed for each inspection or reinspection conducted when the particular violation for which an inspection or reinspection is scheduled is not fully abated or corrected as directed by, and within the time and manner specified in, the notice or letter.

Enforcement

2. The fee shall not apply to the original inspection to document the violations and shall not apply to the first scheduled compliance inspection made after the issuance of a notice or letter, whether or not the correction has been made.

B. Continuation of the original case.

1. If a notice or letter has been previously issued for the same violation and the property has been in compliance with the provisions of this Development Code or the Municipal Code for less than 180 days, the violation shall be deemed a continuation of the original case, and all inspections or reinspections, including the first inspection for the repeated offense, shall be charged a reinspection fee.

2. This fee is intended to compensate for administrative costs for unnecessary City inspections, and is not a penalty for violating this Development Code or the Municipal Code.

3. Any reinspection fees imposed shall be separate and apart from any fines or penalties imposed for violation of this Development Code or the Municipal Code, or costs incurred by the City for the abatement of a public nuisance.

ARTICLE 7

Definitions

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DIVISION 17.78 - DEFINITIONS

Sections:

17.78.010 - Purpose of Article
17.78.020 - Definitions of Specialized Terms and Phrases

17.78.010 - Purpose of Article

This Article provides definitions of terms and phrases used in this Development Code that are technical or specialized, or that may not reflect common usage. If any of the definitions in this Article conflict with definitions in other provisions of the Municipal Code, these definitions shall control for the purposes of this Development Code. If a word is not defined in this Article, or in other provisions of the Development Code, the most common dictionary definition is presumed to be correct.

17.78.020 - 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.

A. Definitions, "A."

ACE. U.S. Army Corps of Engineers, the federal agency responsible for issuing wetlands delineations.

Accessory Dwelling Units. A second permanent dwelling that is accessory to a primary dwelling on the same site. An accessory dwelling unit provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, sanitation, and parking.

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
gazebos
greenhouses
spas and hot tubs
storage sheds
studios
swimming pools
tennis and other on-site sport courts
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: accessory dwelling units, which are separately defined; or home satellite dish and other receiving antennas for earth-based TV and radio broadcasts (see "Telecommunications Facilities").

Accessory Retail Uses. The retail sales of various products (including food) and/or the provision of personal services (e.g., hair cutting, etc.) within a health care, hotel, office, or industrial complex for the purpose of serving employees or customers, and is not visible from public streets. 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. 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, artist's studios, and workshops; hot tubs, jacuzzis, spas, and swimming pools, together with any enclosures; and any other open air enclosures, including gazebos and detached patio covers.

Accessory Use. A use customarily incidental to, related and clearly subordinate to a principal use established on the same parcel, which does not alter the principal use nor serve property other than the parcel where the principal use is located.

Adult Entertainment Businesses. Any adult bookstore, adult hotel or motel, adult motion picture arcade, adult motion picture theater, 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. Refer to Chapter 5.40 of the Lodi Municipal Code for Adult Business definitions.

Affordable unit. An ownership or rental housing unit as required by this section, which is affordable by households with very low or low income.

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 Processing. The processing of crops after harvest, to prepare them for on-site marketing or processing and packaging elsewhere. Includes the following:

- alfalfa cubing
- corn shelling
- cotton ginning
- custom grist mills
- custom milling of flour, feed and grain
- drying of corn, rice, hay, fruits and vegetables
- grain cleaning and custom grinding
- hay baling and cubing
- pre-cooling and packaging of fresh or farm-dried fruits and vegetables
- sorting, grading and packing of fruits and vegetables
- tree nut hulling and shelling

Any of the above activities performed in the field with mobile equipment not involving permanent structures are included under the definition of "Crop Production."

Alcoholic Beverage Sales. The retail sale of beer, wine, and/or other alcoholic beverages for on- or off-premise consumption.

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 Article 2 (Land Use and Development Standards) as a permitted or conditional use that may be established with land use permit and, where applicable, site plan and 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.

Amenity. Interior features which are not essential to the health and safety of the resident, but provide visual or aesthetic appeal, or are provided as conveniences rather than as necessities. Interior Amenities may include, but are not limited to fireplaces, garbage disposals, dishwashers, cabinet and storage space and bathrooms in excess of one. Amenities shall in no way include items required by City building codes or other ordinances which are necessary to insure the safety of the building and its residents.

Antenna. Any system of wires, poles, rods, reflecting discs or similar devices used for the transmission and/or reception of electromagnetic radiation waves, including devices with active elements extending in any direction, and directional parasitic arrays with elements attached to a generally horizontal boom which may be mounted on a vertical support structure. Antenna-related definitions include the following.

1. **Antenna, Amateur Radio.** Any antenna used for transmitting and receiving radio signals in conjunction with an amateur ratio station licensed by the Federal Communications Commission (FCC).

2. **Antenna, Building or Roof Mounted.** An antenna mounted on the side or top of a building or another structure (e.g., water tank, billboard, church steeple, freestanding sign, etc.), where the entire weight of the antenna is supported by the building, through the use of an approved framework or other structural system which is attached to one or more structural members of the roof or walls of the building.

3. **Antenna, Dish.** A dish-like antenna used to link communication sites together by wireless transmissions of voice or data. Also called microwave dish antenna.

4. **Antenna, Ground Mounted.** Any freestanding antenna, the entire weight of which is supported by an approved freestanding platform, framework, or other structural system which is attached to the ground by a foundation.

5. **Antenna, Monopole**. A structure composed of a single spire used to support antennas and related equipment.

6. **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.

7. **Antenna, Satellite**. An antenna for the home, business, or institutional reception of television, data, and other telecommunications broadcasts from orbiting satellites.

8. **Antenna, Whip.** An antenna consisting of a single, slender, rod-like element, which is supported only at or near its base. They are typically less than six inches in diameter and measure up to 18 feet in height. Also called omnidirectional, stick or pipe antennas.

Animal Raising. The keeping/raising of farm animals, including cattle, goats, horses, sheep, swine (including pot bellied pigs), fowl, poultry, and other animals determined by the Director to not be common household pets. Does not include: birds, cats, dogs, and other household pets or exotic animals, which are separately defined.

Apartment. See "Multi-Family Dwellings."

Applicant. Any person, firm, partnership, association, joint venture, corporation, or an entity or combination of entities which seeks City permits and approvals.

Approval. Includes both approval and approval with conditions.

Area, Lot. See “Lot Area.”

Art, Antique, Collectible and Gift Stores. Retail sales uses including antique shops, art galleries, curio, gift, and souvenir shops, and the sales of collectible items including sports cards and comic books.

At one location. All adjacent land owned or controlled by the applicant, the property lines of which are contiguous at any point, or the property lines of which are separated only by a public or private street, road or other public or private right-of-way, or separated only by other land of the applicant.

Attic. The area located between the uppermost plate and the roof or ridge of a structure.

Auto Parts Sales. Stores that sell new automobile parts, tires, and accessories. May also include minor parts installation (see "Vehicle Services"). Does not include tire recapping establishments, which are found under "Vehicle Services" or businesses dealing exclusively in used parts, which are included under "Recycling - Scrap and Dismantling Yards."

Auto Repair and Maintenance. 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 the following categories.

1. **Major Repair/Body Work.** Repair facilities dealing with entire vehicles. These establishments provide towing, collision repair, other body work, and painting services; and also include tire recapping establishments.

2. **Minor Maintenance/Repair.** Minor facilities specialize in limited aspects of repair and maintenance (e.g., muffler and radiator shops, quick-lube, etc.).

Does not include automobile parking (see "Parking Facilities/Vehicle Storage"), repair shops that are part of a vehicle dealership on the same site (see "Auto Sales and Rental," and "Recreational Vehicle

Sales and Rental"); automobile service stations, which are separately defined; or automobile dismantling yards, which are included under "Recycling - Scrap and Dismantling Yards."

Auto Sales and Rental. Retail establishments selling and/or renting 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 (see "Auto Parts Sales"); bicycle and moped sales (see "General Retail"); mobile home sales (see "Mobile Home and RV Sales"); tire recapping establishments (see "Auto Repair and Maintenance"); businesses dealing exclusively in used parts, (see "Recycling - Scrap and Dismantling Yards"); or "Service Stations," which are separately defined.

Automated Teller Machines (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 Dismantling Yard. See "Recycling - Scrap, and Dismantling Yards."

B. Definitions, "B."

Banks and Financial Services. Financial institutions including:

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

See also, "Automated Teller Machine," above.

Bar. See “Night Clubs and Bars.”

Basic Services. Services provided by a residential care facility for the elderly that may include daily activities (social, recreational and educational); community space; utilities and cleaning; safety and security; 24 hour experienced staff; maintenance of residence and grounds; personal care; three daily meals; family support activities; transportation; and medication administration.

Bed and Breakfast Inns (B&Bs). Residential structures with one family in permanent residence with up to five bedrooms rented for overnight lodging, where meals may be provided subject to applicable Health Department regulations. A Bed and Breakfast Inn with more than five guest rooms is considered a hotel or motel, and is included under the definition of "Hotels and Motels." Does not include room rental, which is separately defined (see "Rooming and Boarding Houses).

Block. Property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting streets and railroad right-of-way or waterway or subdivided acreage

Building. See "Structure."

Building Material Stores. Retail establishments selling lumber and other large building materials, where most display and sales occur indoors. Includes paint, wallpaper, glass, fixtures. Includes all these stores selling to the general public, even if contractor sales account for a major proportion of total sales. Includes incidental retail ready-mix concrete operations, except where excluded by a specific zoning district. Establishments primarily selling electrical, plumbing, heating, and air conditioning equipment and supplies are classified in "Warehousing, Wholesaling and Distribution." Hardware stores are listed in the definition of "General Retail," even if they sell some building materials.

Business Support Services. Establishments primarily within buildings, providing other businesses with services including maintenance, repair and service, testing, rental, etc., also includes:

- blueprinting
- business equipment repair services (except vehicle repair, see "Vehicle Services")
- commercial art and design (production)
- computer-related services (rental, repair)
- copying and quick printing services
- equipment rental businesses within buildings (rental yards are "Outdoor Sales Yards")
- film processing laboratories
- heavy equipment repair services where repair occurs on the client site
- janitorial services
- mail advertising services (reproduction and shipping)
- outdoor advertising services
- photofinishing
- protective services (other than office related)
- soils and materials testing laboratories
- window cleaning

C. Definitions, "C."

California Environmental Quality Act (CEQA). State law (California Public Resources Code Sections 19000 et seq.) requiring public agencies to document and consider the environmental effects of a proposed action, prior to allowing the action to occur.

California Public Utilities Commission (CPUC). The governmental agency which regulates the terms and conditions of public utilities in the State.

Car Washes. Permanent, self-service and/or attended car washing establishments, including fully mechanized facilities. May include detailing services. Temporary car washes are fund-raising activities, typically conducted at a service station or other automotive-related business, where volunteers wash vehicles by hand, and the duration of the event is limited to one day. See 17.40.000 (Temporary Use Permits).

Care and Supervision. Services which if provided require a residential care facility for the elderly to be licensed. These services include assistance as needed with activities of daily living and the assumption of varying degrees of responsibility for the safety and well-being of residents to include: assistance in dressing, grooming, bathing and other personal hygiene; assistance with taking medication; central storing and distribution of medications; assistance with medical and dental care (including transportation); maintenance of house rules; supervision of resident schedules and activities; voluntary maintenance and supervision of resident monies or property; and monitoring food intake or special diets.

Caretaker Quarters. A residence that is accessory to a nonresidential primary use of the site, where needed for security, or 24-hour care or supervision.

Cell site. A geographical area with a radius of two to eight miles that contains both transmitting and receiving antennae.

Cellular. An analog or digital wireless communication technology that is based on a system of interconnected neighboring cell sites, each of which contains antennae.

Certificate of Public Convenience and Necessity. A certificate issued by the California Public Utilities Commission (CPUC).

City. The City of Lodi referred to in this Development Code as the "City."

City Council. The Lodi City Council, referred to in this Development Code as the "Council."

City Resident. Any person who has lived within the City limits of the City of Lodi continually for one year immediately prior to the date of application for an affordable unit.

Clubs, Lodges, and Membership Meeting Halls. 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	political organizations
civic, social and fraternal organizations	professional membership organizations
labor unions and similar organizations	other membership organizations

Co-location. The locating of wireless communications equipment from more than one provider on a single ground-mounted, roof-mounted, or structure-mounted facility.

Commission. See "Planning Commission."

Common Interest Development. Any residential condominium, community apartment house, or stock cooperative.

Community Care Facility. Any place or building which is maintained and operated to provide 24 hour non-medical residential care, or day care services for children, adults, or both limited to the following:

1. **Residential Care Facility**. A home, group care facility, residential care facility for the elderly, foster home, alcohol and/or drug recovery facility, intermediate care facility or similar facility, for 24 hour non-medical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.

2. **Family Day Care.** Regularly provided care, protection and supervision of children, in the care giver's own home, for periods of less than 24 hours per day, while the parents or authorized representatives are away.

   (a) Small Family Day Care Home. A home that provides family child care for up to six children, or for up to eight children, including children under age 10 who live in the licensee's home, if all of the following conditions are met:

   (1) At least two of the children are at least six years of age.

   (2) No more than two infants are cared for during any time when more than six children are being cared for.

(3) The licensee notifies each parent that the facility is caring for two additional schoolage children and that there may be up to seven or eight children in the home at one time.

(4) The licensee obtains the written consent of the property owner when the family dare care home is operated on property that is leased or rented.

(b) Large Family Day Care Home. A home that provide family child care for up to 12 children, or for up to 14 children, including children under age 10 who live in the licensee's home and the assistant provider's children under age 10, if all of the following criteria are met:

(1) At least two of the children are at least six years of age.

(2) No more than three infants are cared for during any time when more than 12 children are being cared for.

(3) The licensee notifies each parent that the facility is caring for two additional schoolage children and that there may be up to 13 or 14 children in the home at one time.

(4) The licensee obtains the written consent of the property owner when the family dare care home is operated on property that is leased or rented.

3. Day Care Center. Commercial or non-profit child or adult day care facilities designed and approved to accommodate 15 or more. Includes infant centers, preschools, extended day care facilities, and facilities for adults who require supervision and care because of advanced age, mental or physical deterioration, dementia, Alzheimer's disease, or similar disabling condition. These may be operated as part of a business, school, or religious facility, or as an independent land use.

Community Centers. Multi-purpose meeting and recreational facilities typically consisting of one or more meeting or multi-purpose rooms, kitchen and/or outdoor barbecue facilities, that are available for use by various groups for activities including meetings, parties, receptions, dances, etc.

Community Garden. A site used for growing plants for food, fiber, herbs, flowers, which is shared and maintained by nearby residents.

Community Space. Space within a residential care facility for the elderly that may include dining facilities such as a café or snack bar; beauty or barber shops; retail shops that sell food items, non-prescription drugs, small household items and gifts; pharmacies; libraries; game rooms; meeting rooms; music/craft rooms; community laundry rooms; community kitchens; and other similar facilities for residents and guests.

Condominium. As defined by Civil Code Section 1315, 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.

Congregate Living Health Facility. See “Medical Services – Extended Care”.

Construction/Heavy Equipment Sales and Rental. Retail establishments selling or renting heavy construction equipment, including cranes, earth moving equipment, heavy trucks, etc.

Contractor Storage Yards. Storage yards operated by, or on behalf of a contractor for storage of large equipment, vehicles, or other materials commonly used in the individual contractor's type of business; storage of scrap materials used for repair and maintenance of contractor's own equipment; and buildings or structures for uses such as offices and repair facilities.

Convalescent Hospital. See “Medical Services – Extended Care”.

Convenience Stores. Retail stores of generally 3,500 square feet or less in gross floor area, which carry a range of merchandise oriented to convenience and travelers' shopping needs.

County. The County of San Joaquin, State of California.

Crop Production. Commercial agricultural field and orchard uses including production of:

field crops	melons
flowers and seeds	ornamental crops
fruits	tree nuts
grains	trees and sod
grapes	vegetables

Also includes associated crop preparation services and harvesting activities, such as mechanical soil preparation, irrigation system construction, spraying, crop processing and retail sales in the field, including sales sheds.

D. Definitions, "D."

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

Department. The Lodi Community Development Department, referred to in this Development Code as "Department."

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

Developer. Any person, firm, partnership, association, joint venture, corporation, or an entity or combination of entities that seeks City permits and approvals for development.

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

Development Agreement. A contract between the City and an applicant for a development project, in compliance with Chapter 17.44 (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 Lodi Development, Title 17 of the Lodi Municipal Code, referred to herein as "this Development Code."

Development Standards. The provisions of Lodi Development Code.

Director. The City of Lodi Community Development Director, or designee of the Director.

District. See "Zoning District."

Drive-in and Drive-thru 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-thru 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. Means a vehicle accessway extending from road or street to a building or structure, vehicle parking or delivery area, or pedestrian drop-off point, or between such areas on a site.

Duplex. A residential structure under single ownership containing two dwellings.

Dwelling, dwelling unit, or housing unit. A room or group of internally connected rooms that have sleeping, cooking, eating, and sanitation facilities, but not more than one kitchen, which constitute an independent housekeeping unit, occupied by or intended for one household on a long-term basis.

Dwelling Group. Two or more detached dwelling units located on a single parcel of land in one ownership and having any yard, access driveway or court in common.

E. Definitions, "E."

Easement. A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

Electromagnetic field. The local electric and magnetic fields caused by voltage and the flow of electricity that envelop the space surrounding an electrical conductor.

Electronics, Equipment, and Appliance Manufacturing. Establishments engaged in manufacturing machinery, apparatus, and supplies for the generation, storage, transmission, transformation and use of electrical energy, including:

- appliances such as stoves/ovens, refrigerators, freezers, laundry equipment, fans, vacuum cleaners, sewing machines
- aviation instruments
- computers, computer components, and peripherals
- electrical transmission and distribution equipment
- electronic components and accessories, semiconductors, integrated circuits, and related devices
- electronic instruments, components and equipment such as calculators and computers
- electrical welding apparatus
- lighting and wiring equipment such as lamps and fixtures, wiring devices, vehicle lighting
- industrial apparatus
- industrial controls
- instruments for measurement, testing, analysis and control, associated sensors and accessories
- miscellaneous electrical machinery, equipment and supplies such as batteries, X-ray apparatus and tubes, electromedical and electrotherapeutic apparatus, electrical equipment for internal combustion engines
- motors and generators
- optical instruments and lenses
- photographic equipment and supplies
- pre-recorded magnetic tape
- radio and television receiving equipment such as television and radio sets, phonograph records and surgical, medical and dental instruments, equipment, and supplies
- 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.) (see "Business Support Services"), or research and development facilities separate from manufacturing (see "Research and Development").

Enhanced specialized mobile radio. A digital wireless communication technology that specializes in providing dispatching services.

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.

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).

Equipment Rental, Indoor. Service establishments which may offer a wide variety of materials and equipment for rental. Construction equipment rental is separately defined.

F. Definitions, "F."

Family. One or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a lodging house or hotel. A family includes the necessary servants.

Farmworker Housing. A housing accommodation developed for and/or provided to a minimum of five farmworkers, and shall consist of any living quarters, dwelling, boarding house, tent, barracks, bunkhouse, mobile home, recreational vehicle, travel trailer, or other housing accommodation maintained in one or more buildings and on one or more sites. Permanent housing for farmworkers

who live in Lodi year-round is treated the same as other permanent housing (i.e., single family or multi-fmaily). Seasonal or migrant farmworker housing is treated the same as group residential.

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

Floor Area, Gross. The area in square feet of all floors within a building, measured from the outside surfaces of the exterior walls.

Floor Area Ratio (FAR). The Floor Area Ratio (FAR) is the ratio of floor area to total lot area. FAR restrictions are used to limit the maximum floor area allowed on a site (including all structures on the site). The maximum floor area of all structures (measured from exterior wall to exterior wall) permitted on a site (including carports) shall be determined by multiplying the Floor Area Ratio (FAR) by the total net area of the site (FAR x Net Site Area = Maximum Allowable Floor Area).

Flower Tower. A structure that integrates a monopole into a light pole or other utility pole.

Food and Beverage Manufacturing. Manufacturing establishments producing or processing foods and beverages for human consumption, and certain related products. Includes:

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

May include tasting and accessory retail sales of beverages produced on site. A tasting facility separate from the manufacturing facility is included under the definition of "Night Clubs and Bars" if alcoholic beverages are tasted, and under "Restaurant" if beverages are non-alcoholic.

Does not include: bakeries which sell all products on-site, which are included in the definition of "General Retail;" or beer brewing as part of a brew pub, bar or restaurant (see "Night Clubs and Bars").

Furniture, Furnishings and Appliance Stores. Stores engaged primarily in selling the following products and related services, including incidental repair services:

- computers and computer equipment
- draperies
- floor coverings
- furniture
- glass and chinaware
- home appliances
- home furnishings
- home sound systems
- interior decorating materials and services
- large musical instruments
- lawn furniture
- movable spas and hot tubs
- office furniture
- other household electrical and gas appliances
- outdoor furniture
- refrigerators
- stoves
- televisions

Furniture/Fixtures Manufacturing, Cabinet Shops. Manufacturers producing: wood and metal household furniture and appliances; bedsprings and mattresses; all types of office furniture and

public building furniture and partitions, shelving, lockers and store furniture; and miscellaneous drapery hardware, window blinds and shades. Includes wood and cabinet shops, but not sawmills or planing mills.

G. Definitions, "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 17.32 (Parking and Loading).

1. A garage is an attached or detached accessory structure with a door, enclosed on at least three sides.

2. A carport is an attached or detached accessory structure enclosed on no more than two sides.

Garage Sale. Any sale held for the purpose of selling, trading or otherwise disposing of household furnishings, personal goods or other tangible properties of a resident of the premises on which the sale is conducted in a residential zone.

Gas Station. A retail business selling gasoline or other motor vehicle fuels, which may also provide services which are incidental to fuel services. These secondary services may include vehicle engine maintenance and repair, towing and trailer rental services. Does not include the storage or repair of wrecked or abandoned vehicles, vehicle painting, body or fender work, or the rental of vehicle storage or parking spaces.

General Plan. The City of Lodi General Plan, including all its elements and all amendments to the General Plan, 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."

General Retail. Stores and shops selling many lines of merchandise. These stores and lines of merchandise include but may not be limited to:

art galleries
artists' supplies
bakeries (all production in support of on-site sales)
bicycles
books
cameras and photographic supplies
clothing and accessories
collectibles (cards, coins, comics, stamps, etc.)
department stores
drug and discount stores
dry goods
electronics/TV
fabrics and sewing supplies
florists and houseplant stores (indoor sales only, outdoor sales are "Plant Nurseries")
gift and souvenir shops
furniture, home furnishings and equipment
general stores
hardware-no outside storage
hobby materials
jewelry
luggage and leather goods
musical instruments, parts and accessories
newsstands
orthopedic supplies
pet supplies sales with no animals but fish
religious goods
small wares
specialty shops
sporting goods and equipment
stationery
toys and games
variety stores

Golf Courses and Country Clubs. 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. The ground surface immediately adjacent to the exterior base of a structure, typically used as the basis for measurement of the height of the structure.

Grand Opening. An advertising event which has as its purpose, the promotion of a newly opened use, a change in the orientation of a use or reopening of a use following a remodeling or major renovation.

Grocery Store. A retail business where the majority of the floor area open to the public is occupied by food products packaged for preparation and consumption away from the site of the store.

Group Residential. All living situations with shared living quarters without separate kitchen or bathroom facilities for each room or unit, including boarding houses, dormitories, and SRO facilities

Guest House. A detached structure accessory to a single-family dwelling, accommodating living/sleeping quarters, but without kitchen or cooking facilities.

H. Definitions, "H."

Handcraft Industries, Small-Scale Manufacturing. 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.

Health/Fitness Facilities. Fitness centers, gymnasiums, health and athletic clubs including any of the following: indoor sauna, spa or hot tub facilities; indoor tennis, handball, racquetball, archery and shooting ranges and other indoor sports activities.

Hedge. Shrubs and/or trees planted and maintained at a spacing interval which creates a physical and/or visual barrier.

Heliport. A designated, marked area on the ground or the top of a structure where helicopters may land at any time.

Home Occupations. The conduct of a business within a dwelling unit or residential site, employing occupants of the dwelling, with the business activity being subordinate to the residential use of the property.

Hotel or Motel. Facilities with guest rooms or suites, provided with or without kitchen facilities, rented to the general public for transient lodging (less than 30 days). Hotels provide access to most guest rooms from an interior walkway, and typically include a variety of services in addition to lodging; for example, restaurants, meeting facilities, personal services, etc. Motels provide access to most guest rooms from an exterior walkway. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, etc.

Household Pets. The keeping/raising of birds, cats, dogs, or other common household pets, as determined by the Director, accessory to a residential use.

Housing costs. The monthly mortgage principal and interest, property taxes, homeowners insurance, and condominium fees, where applicable, for ownership units; and the monthly rent for rental units.

HUD. The United States Department of Housing and Urban Development or its successor.

I. Definitions, "I."

Illegal Building or Use. A building or use that does not conform to one or more of the provisions of this Development Code, and did not lawfully exist on the effective date of applicable provisions of this Development Code.

Income eligibility. The gross annual household income considering household size and number of dependents, income of all wage earners, elderly or disabled household members and all other sources of household income.

Independent Living. Housing that is intended for elderly persons who may require some assistance but are generally able to live and function independently. These facilities are usually apartment style housing with a studio, one-bedroom or larger units, one or more bathrooms and either a kitchenette or full kitchen. Meals, housekeeping and laundry services are provided for residents. Social activities and other non-medical services, such as transportation, are sometimes offered.

Indoor Amusement/Entertainment Facilities. Establishments providing indoor amusement and entertainment services for a fee or admission charge, including:

bowling alleys
coin-operated amusement arcades
dance halls, clubs and ballrooms
electronic game arcades
ice skating and roller skating
pool and billiard rooms as primary uses

Five or more electronic games or coin-operated amusements in any establishment, or a premises where 50 percent or more of the floor area is occupied by amusement devices, are considered an electronic game arcade as described above, three or less machines are not considered a land use separate from the primary use of the site.

Intensification of Use. A change in the use of a structure or site, where the new use is required by Chapter 17.32 (Parking and Loading) 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.

J. Definitions, "J."

Junkyard. Automobile wrecking yards, any area where junk vehicles are stored, keeping or abandonment of junk, including scrap metal or other scrap materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

K. Definitions, "K."

Kitchen. A room or space within a building intended to be used for the cooking or preparation of food.

L. Definitions, "L."

Land Use Permit. Authority granted by the City to use a specified site for a particular purpose, including Use Permits, Temporary Use Permits, Planned Development Permits, Variances, Zoning Clearances, as established by Article 4 (Land Use and Development Permit Procedures) of this Development Code.

Landscaping. The planting and maintaining of an area with predominantly native or exotic plant materials including lawn, groundcover, trees, shrubs, and other plant materials; and also including accessory decorative outdoor landscape elements (for example, pools, fountains, paved or decorated surfaces, but excluding driveways, parking, loading, or storage areas).

Large Family Day Care Home. See "Community Care Facility".

Lattice tower. A structure with three or four steel support legs that supports a variety of antennae. 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.

Laundries and Dry Cleaning Plants. 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 or dry cleaning pick-up stores without dry cleaning equipment; see "Personal Services."

Libraries and Museums. Public or quasi-public facilities including aquariums, arboretums, art galleries and exhibitions, botanical gardens, historic sites and exhibits, libraries, museums, and planetariums, which are typically non-commercial, other than an accessory gift/book shop.

License. A basic permit issued by a licensing agency to operate a Community Care Facility.

Licensing Agency. A state, county or other public agency authorized by the State Department of Social Services to assume specified licensing, approval or consultation responsibilities in compliance with Health and Safety Code Section 1569.13.

Life Care/Continuing Care Retirement Communities. See “Medical Services – Extended Care”.

Live/Work Facilities. An integrated housing unit and working space, occupied and utilized by a single household in a structure, either single-family or multi-family, that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes:

1. Complete kitchen space and sanitary facilities in compliance with the California Building Code; and

2. Working space reserved for and regularly used by one or more occupants of the unit.

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.

1. **Corner lot.** A lot located at the intersection of two 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 street.

4. **Key lot.** An interior lot, the front of which adjoins the side property line of a corner lot.

5. **Reverse corner lot.** A corner lot, the rear of which abuts a key lot.

6. **Through lot.** A lot with frontage on two generally parallel streets.

Lot Area. Gross lot area is the total area included within the lot lines of a lot, exclusive of adjacent dedicated street rights of way. Net lot area is exclusive of easements, including those for utilities or flood control channels, which limit the use of the lot.

Lot Area, Net. The portion of a parcel that is:

1. Not subject to any easement or included as a proposed public or private facility, such as an alley, highway, street, or other necessary public site within a proposed development project; or

2. Subject to an easement where the owner of the underlying fee has the right to use the entire surface except the portion where the owner of the easement may place utility poles or minor utility structures.

Except as provided above, portions of a parcel to a highway easement or any other private or public easement shall not be counted as part of the net area.

Lot Coverage. See "Site Coverage."

Lot Depth. The average linear distance between the front and the rear lot lines or the intersection of the two side lot lines if there is no rear line. See Figure 7-1 (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 or Property Line. Any recorded boundary of a lot. Types of lot lines are as follows (see Figure 7-1 (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.

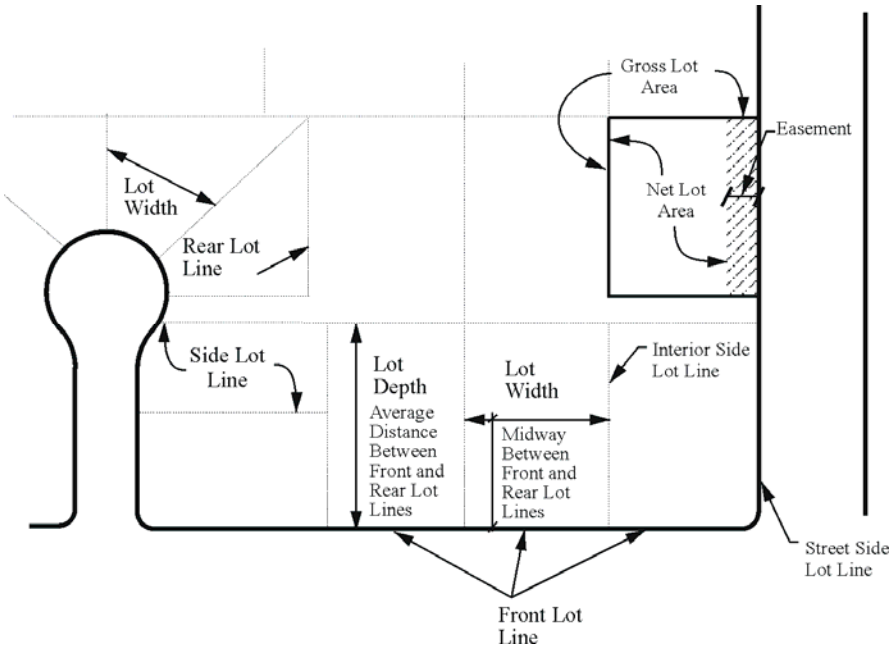


FIGURE 7-1 - LOT FEATURES

Lot of Record. A parcel of land held in separate ownership as shown on the county assessor=s records at the time of the passage of the ordinance codified in this title.

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 7-1 (Lot Features). The Director shall determine lot width for parcels of irregular shape.

M. Definitions, "M."

Map Act. See "Subdivision Map Act."

Medical Services - Clinics, Offices, and Laboratories. 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 (HMOs)
medical and dental laboratories
medical, dental and psychiatric offices
out-patient care facilities
other allied health services

Counseling services by other than medical doctors or psychiatrists are included under "Offices."

Medical Services - Extended Care. Residential facilities providing nursing and health-related care as a primary use with in-patient beds, such as: board and care homes; convalescent and rest homes; extended care facilities; skilled nursing facilities. Long-term personal care facilities that do not emphasize medical treatment are included under "Community Care Facility".

Medical Services - Hospitals. 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 and emergency heliports (see the separate definition of "Accessory Retail Uses").

Metal Products Fabrication, Machine and Welding Shops. 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
sheet metal shops
machine shops and boiler shops

Microbrewery. A facility where beer brewed on the premises is sold for on-site consumption.

Microcell. A wireless communication facility that:

1. Contains a maximum of four whip or panel antennae. Each whip antenna does not exceed four inches in diameter and four feet in length. Each panel antenna does not exceed two square feet in surface area;

2. Contains a maximum of one microwave antenna no larger than 10 square feet in surface area;

3. Has an array of antennae less than 10 feet in height;

4. Is roof- or structure-mounted or, if within the public right-of-way, is located on top of a light pole or telephone pole or a metal or precast concrete monopole (similar in design to a street light pole or street tree); and

5. Has a total height, if roof- or structure-mounted, that does not exceed the maximum height allowed in the zoning district in which the facility is located.

Mixed-Use Project. A project which combines both commercial and residential uses, where the residential component is typically located above the commercial.

Mobile Home. A trailer, transportable in one or more sections, that is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, which is over eight feet in width and 40 feet in length, with or without a permanent foundation and not including recreational vehicle, commercial coach or factory-built housing. A mobile home on a permanent foundation is included under the definition of "Single-Family Dwellings."

Mobile Home Park. Any site that is planned and improved to accommodate two or more mobile homes used for residential purposes, or on which two or more mobile home 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 mobile homes used for residential purposes.

Mortuaries and Funeral Homes. Funeral homes and parlors, where deceased are prepared for burial or cremation, and funeral services may be conducted.

Mounted. Attached or supported.

Multi-Family Dwellings. A building or a portion of a building used and/or designed as residences for three or more families living independently of each other. Includes: triplexes, fourplexes (buildings under one ownership with three or four dwelling units, respectively, in the same structure) and apartments (five or more units under one ownership in a single building); townhouse development (three or more attached single-family dwellings where no unit is located over another unit); and senior citizen multi-family housing; see also "Common Interest Developments."

N. Definitions, "N."

Negative Declaration. A statement describing the reasoning that a proposed action will not have a significant adverse effect on the environment, in compliance with the California Environmental Quality Act (CEQA).

Night Clubs and Bars. Businesses where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May include entertainment (e.g., live music and/or dancing, comedy, etc.). May also include beer brewing as part of a microbrewery, and other beverage tasting facilities.

Nonconforming Parcel. A parcel that was legally created prior to the adoption of this Development Code 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 Sign. A sign which lawfully existed prior to the effective date of this Development Code, or any amendment thereto, but which fails by reason of such adoption or amendment to conform to all of the standards and regulations of the adopted or amended provision.

Nonconforming Structure. A structure that was legally constructed prior to the adoption of this Development Code and which does not conform to current Code provisions/standards (e.g., 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 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.

Nursing Home. See “Medical Services – Extended Care”.

O. Definitions, "O."

Occupancy. All or a portion of a structure occupied by one tenant.

Offices. This Development Code distinguishes between the following types of office facilities. These do not include: medical offices (see "Medical Services - Clinics Offices, and Laboratories"); or offices that are incidental and accessory to another business or sales activity that is the primary use. Incidental offices that are customarily accessory to another use are allowed as part of an approved primary use.

1. **Administrative/Business.** Establishments providing direct services to consumers, such as insurance agencies, real estate offices, utility company offices, etc.

2. **Government.** City, and other local, state, and federal government agency or service facilities. Includes post offices, but not bulk mailing distribution centers, which are under "Truck and Freight Terminals."

3. **Production.** Office-type facilities occupied by businesses engaged in the production of intellectual property. These uses include:

   advertising agencies
   architectural, engineering, planning and surveying services
   computer software production and programming services
   educational, scientific and research organizations
   media postproduction services
   photography and commercial art studios
   writers and artists offices

4. **Professional.** Professional offices including:

   accounting, auditing and bookkeeping services
   attorneys
   counseling services
   court reporting services
   data processing services
   detective agencies and similar services
   employment, stenographic, secretarial and word processing services
   literary and talent agencies
   management and public relations services

5. **Temporary.** A mobile home, recreational vehicle or modular unit used as a temporary office facility. Temporary Offices may include: construction supervision offices on a construction site or off-site construction yard; a temporary on-site real estate office for a development project; or a temporary business office in advance of permanent facility construction.

6. **Temporary Real Estate.** The temporary use of a dwelling unit within a residential development project as a sales office for the units on the same site, which is converted to residential use at the conclusion of its office use.

Off-site. An activity or accessory use that is related to a specific primary use, but is not located on the same site as the primary use.

On-site. An activity or accessory use that is related to a specific primary use, which is located on the same site as the primary use.

Open Fencing. A barrier constructed of material which is transparent, such as glass, plastic panels or wrought iron, used in conjunction with recreation and seating areas.

Outdoor Recreation Facilities. Facilities for various outdoor participant sports and types of recreation, including:

amphitheaters
amusement and theme parks
health and athletic club outdoor facilities
miniature golf courses
skateboard parks
stadiums and coliseums
swim and tennis clubs
tennis courts
water slides
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 parks and playgrounds, which are separately defined.

Outdoor Retail Sales and Activities. Permanent outdoor sales and rental establishments including auto dealers, lumber and other material sales yards, newsstands, outdoor facilities for the sale or rental of other vehicles/equipment, and other uses where the business is not conducted entirely within a structure.

Outdoor Retail Sales, Temporary. Temporary outdoor retail operations including:

Christmas trees, pumpkins or the sale of other seasonal items
farmers' markets
food vendors
semi-annual sales of art/handcrafted items in conjunction with community festivals or art shows
sidewalk or parking lot sales longer than one weekend
retail sales from individual vehicles in temporary locations outside the public right-of-way

P. Definitions, "P."

Parcel. See "Lot, or Parcel."

Parking Facilities/Vehicle Storage. Service establishments in the business of storing operative cars, trucks, buses, recreational vehicles, and other motor vehicles for clients. Includes both day use and 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 are stored for rental or leasing. Does not include dismantling yards.

Parks and Playgrounds. Public parks, play lots, playgrounds, and athletic fields for non-commercial neighborhood or community use, including tennis courts. See also "Outdoor Recreation Facilities."

Pawn Shops. Indoor retail establishments that accept personal property as collateral for loans, and offer the property for sale to the public.

Pedestrian Orientation. Any physical structure or place with design qualities and elements that contribute to an active, inviting and pleasant place for pedestrians including but not limited to:

1. Street furniture;

2. Design amenities related to the street level such as awnings, paseos, arcades;

3. Visibility into buildings at the street level;

4. Highly articulated facades at the street level with interesting uses of material, color, and architectural detailing;

5. Continuity of the sidewalk with a minimum of intrusions into pedestrian right-of-way;

6. Continuity of building facades along the street with few interruptions in the progression of buildings and stores;

7. Signage oriented and scaled to the pedestrian rather than the motorist; and

8. Landscaping.

Pedestrian-Oriented Use. A use which is intended to encourage walk-in customers and which generally does not limit the number of customers by requiring appointments or otherwise excluding the general public. A pedestrian-oriented use provides spontaneous draw from sidewalk and street due to intense and surprising visual interest, high customer turnover and intense social interaction.

Permitted Use. Any use allowed in a zoning district and subject to the restrictions applicable to that 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.

Personal Communication Services. A digital wireless communications technology with the capacity for multiple communication services, and which provides a system for the routing of calls to individuals rather than places, regardless of location.

Personal Services. Establishments providing non-medical services as a primary use, including, but not limited to:

barber and beauty shops	psychic readers
clothing rental	shoe repair shops
dry cleaning pick-up stores with limited equipment	spas and hot tubs
home electronics and small appliance repair	tailors
laundromats (self-service laundries)	tanning salons
massage (licensed, theraputic, non-sexual)	tattoo parlors

These uses may also include accessory retail sales of products related to the services provided.

Planning Commission. The City of Lodi Planning Commission, appointed by the Lodi City Council in compliance with Government Code Section 65101, referred to throughout this Development Code as the "Commission."

Plant Nurseries and Garden Supply Stores. Commercial agricultural establishments engaged in the production of ornamental plants and other nursery products, grown under cover or outdoors. Includes stores selling these products, nursery stock, lawn and garden supplies, and commercial scale greenhouses. The sale of house plants or other nursery products entirely within a building is also included under "General Retail Stores." Home greenhouses are included under "Accessory Residential Uses and Structures."

Primary Structure. A structure that accommodates the primary use of the site.

Primary Use. The main purpose for which a site is developed and occupied, including the activities that are conducted on the site during most of the hours when activities occur.

Primary Zoning District. The zoning district applied to a site by the Zoning Map, to which an overlay zoning district may also be applied.

Printing and Publishing. Establishments engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying; and other establishments serving the printing trade such as bookbinding, typesetting, engraving, photoengraving and electrotyping. This use also includes establishments that publish newspapers, books and periodicals; establishments manufacturing business forms and binding devices. "Quick printing" services are included in the definition of "Business Support Services."

Private wireless communication facility. A wireless communication facility that has not been granted a Certificate of Public Convenience and Necessity by the California Public Utilities Commission (CPUC).

Project. Proposed development or a new land use.

Property Line. The recorded boundary of a parcel of land.

Proposed Project. A proposed new structure, new addition to an existing structure, or area of other new site development; these do not include the alteration of any portion of an existing structure other than an addition.

Public Safety Facilities. Facilities operated by public agencies including fire stations, other fire prevention and fire fighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities.

Public Utility Facilities. 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. These uses include any of the following facilities that are not exempted from land use permit requirements by Government Code Section 53091:

corporation and maintenance yards.
electrical substations and switching stations
natural gas regulating and distribution facilities
public water system wells, treatment plants and storage
telephone switching facilities
wastewater treatment plants, settling ponds and disposal fields

These uses do not include office or customer service centers (classified in "Offices"), or equipment and material storage yards.

Public wireless communication facility. A wireless communication facility that has been granted a Certificate of Public Convenience and Necessity by the California Public Utilities Commission (CPUC).

Q. Definitions, "Q."

Quarry materials storage and processing. Manufacturing facilities for the sorting, grading, and storage of aggregates as construction materials; includes concrete batch plants. A retail ready-mix concrete operation as an incidental use in conjunction with a building materials outlet is defined under "Building Material Stores."

R. Definitions, "R."

Radiofrequency radiation. Electromagnetic radiation in the portion of the spectrum from three kilohertz to 300 gigahertz.

Recreational Vehicle (RV). A motor home, 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. 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. Contains 400 square feet or less of gross area measured at maximum horizontal projections;

3. Is built on a single chassis; and

4. Is either self-propelled, truck-mounted, or permanently towable on the highways without a towing permit.

Recreational Vehicle Park. 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, water, sewer, and electric hookups to each lot and are intended as a higher density, more intensively developed use than campgrounds. May include accessory retail uses where they are clearly incidental and intended to serve RV park patrons only.

Recyclable material. Reusable domestic containers and other materials which can be reconstituted, re-manufactured, or reused in an altered form, including glass, metals, paper and plastic. Recyclable material does not include refuse or hazardous materials (see “Recycling Facilities” below).

Recycling Facilities. This land use type includes a variety of facilities involved with the collection, sorting and processing of recyclable materials.

1. **Small Collection facility.** A facility occupying an area of 500 square feet or less where the public may donate, redeem or sell recyclable materials, which may include the following, where allowed by the applicable zoning district:

    a. **Reverse vending machine(s).** An automated mechanical device which accepts at least one or more types of empty beverage containers and issues a cash refund or a redeemable

credit slip with a value not less than the container's redemption value, as determined by State law. These vending machines may accept aluminum cans, glass and plastic bottles, and other containers.

b. **Mobile recycling unit.** An automobile, truck, trailer, or van used for the collection of recyclable materials, carrying bins, boxes, or other containers.

c. **Bulk reverse vending machine** is a reverse vending machine that is larger than 50 square feet, is designed to accept more than one container at a time, and issues a cash refund based on total weight instead of by container.

d. Kiosk-type units which may include permanent structures.

2. **Large collection facility.** A facility which occupies an area of more than 500 square feet and/or include permanent structures which may include the following:.

a. **Processing facility.** A structure or enclosed space used for the collection and processing of recyclable materials for shipment, or to an end-user's specifications, by such means as baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, re-manufacturing and shredding. Processing facilities include the following types, both of which are included under the definition of "Recycling- Scrap and Dismantling Yards," below:

(1) Light processing facility occupies an area of under 45,000 square feet of collection, processing and storage area, and averages two outbound truck shipments each day. Light processing facilities are limited to baling, briquetting, compacting, crushing, grinding, shredding and sorting of source separated recyclable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact, or bale ferrous metals other than food and beverage containers; and

(2) A heavy processing facility is any processing facility other than a light processing facility.

3. **Scrap and dismantling yards.** 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 (see the definitions above). Does not include: places where these activities are conducted entirely within buildings; pawn shops, and other secondhand stores; the sale of operative used cars; or landfills or other waste disposal sites.

Religious Facilities. Facilities operated by religious organizations for worship, or the promotion of religious activities, including churches, mosques, synagogues, temples, etc.; and accessory uses on the same site, including living quarters for ministers and staff, child day care facilities and religious schools where authorized by the same type of land use permit required for the religious facility itself. May also include fund-raising sales, bazaars, dinners, parties, or other outdoor events on the same site. Other establishments maintained by religious organizations, including as full-time educational institutions, hospitals and other potentially-related operations (for example, a recreational camp) are classified according to their respective activities.

Resale controls. Legal provisions by which the sale of affordable units will be controlled to insure that the unit is affordable by very low or low income households over time.

Research and Development (R&D). 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 pharmaceutical, chemical and biotechnology research and development. Does not include computer software companies (see "Offices - Production"), soils and other materials testing laboratories (see "Business Support Services"), or medical laboratories (see "Medical Services - Clinics, Offices, and Laboratories").

Residential Care Home. See “Community Care Facility”.

Residential District or Zone. Any of the residential zoning districts established by Section 17.10.020 (Zoning Districts Established).

Residential Project. A housing development at one location including all units for which permits have been applied for or approved within a 12-month period, intended and designed for permanent occupancy, including but not limited to single-family dwellings, duplexes, triplexes, fourplexes, apartments, multiple-dwelling structures, or group of dwellings, condominium development, townhouse development, cooperative, or land division.

Residential Shelters. Facilities for the temporary shelter and feeding of indigents or disaster victims, operated by a public or non-profit agency.

Restaurant. A retail business selling ready-to-eat food for on- or off-premise consumption. These include eating establishments where customers are served from a walk-up ordering counter for either on- or off-premise consumption, and establishments where most customers are served food at tables for on-premise consumption, but may include providing food for take-out. Also includes coffee houses.

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 Article 6 (Development Code Administration).

Roadside Stands. Open structures for the retail sale of agricultural products, located on the site or in the area of the property where the products being sold were grown. Does not include field sales or agricultural products, which is included under "Production of Crops."

Rooming and Boarding Houses. The renting of individual bedrooms within a dwelling to two or more unrelated people, whether or not meals are provided.

S. Definitions, "S."

Schools. Public and private educational institutions, including:

boarding schools
business, secretarial, and vocational schools
community colleges, colleges and universities
elementary, middle, and junior high schools
establishments providing courses by mail
high schools
military academies
professional schools (law, medicine, etc.)
seminaries/religious ministry training facilities

Also includes specialized schools offering instruction in the following:

art
ballet and other dance
computers and electronics
drama
driver education
language
music

Also includes facilities, institutions and conference centers that offer specialized programs in personal growth and development, such as fitness, environmental awareness, arts, communications, and management. Does not include pre-schools and child day care facilities (see "Community Care Facility"). See also the definition of "Studios - Art, Dance, Music, Photography, etc." for smaller-scale facilities offering specialized instruction.

Secondary Dwelling Unit. An additional living unit on a lot within a single-family zone. A second unit is a self-contained unit with separate kitchen, living and sleeping facilities. A second unit can be created by (a) altering a single family dwelling to establish a separate unit or (b) adding a separate unit onto an existing dwelling.

Section 404 or Section 10 Permit. The permits issued by U.S. Army Corps of Engineers (ACE) establishing wetlands delineations and conditions governing activities therein.

Senior Apartments. Multifamily residential projects where occupancy is limited to people of fifty-five (55) years of age or older.

Senior Continuum of Care Complex. See “Community Care Facility” and “Medical Services – Extended Care”.

Senior Citizen. An adult 55 years or older.

Setback. The distance by which the wall of a structure, parking area or other development feature must be separated from a lot line, other structure or development feature, or street centerline. Setbacks from private streets are measured from the edge of the easement to the wall of the structure. See also "Yard." Figure 7-2 (Setbacks) shows the location of front, side, street side and rear setbacks. Figure 7-3 (Flag Lot Setbacks) below, shows the location of front yard setbacks for flag lots.

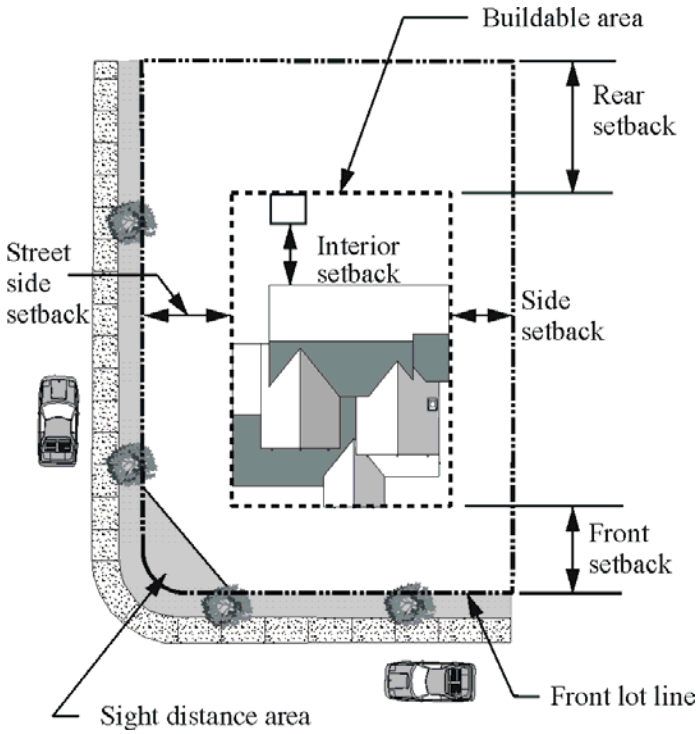


FIGURE 7-2
LOCATION AND MEASUREMENT OF SETBACKS

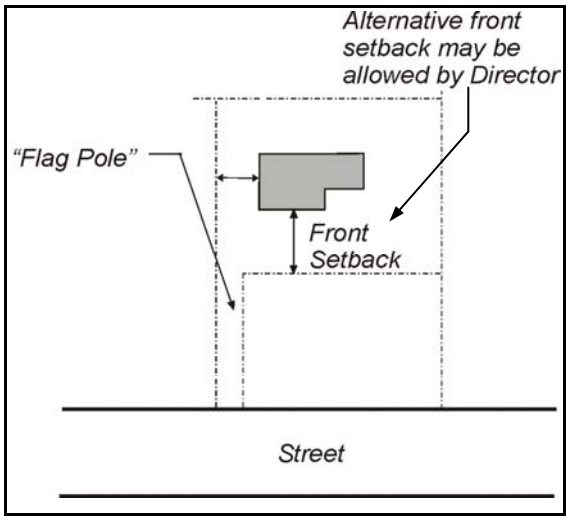


FIGURE 7-3
FLAG LOT SETBACKS

Sign. A structure, device, figure, 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 information in the nature of advertising, to direct or attract attention to an object, person, institution, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Does not include murals, paintings and other works of art that are not intended to advertise or identify any business or product. Types of signs include the following.

1. **Abandoned Sign.** A sign advertising a use, occupancy, or product which no longer exists, in the event of billboards, or which no longer exists on the site where the sign is located, in the case of on-site signs, for a period of 90 days..

2. **Animated or Moving Sign.** A sign which uses movement, lighting, or special materials to depict action or create a special effect to imitate movement.

3. **Awning Sign.** A sign copy or logo attached to or painted on an awning.

4. **Banner, Flag, or Pennant.** Cloth, bunting, plastic, paper, or similar non-rigid material used for advertising purposes attached to a 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.

5. **Bench Sign.** Copy painted on a portion of a bench.

6. **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.

7. **Cabinet Sign (Can Sign).** A sign which contains all the text and/or logo symbols within a single enclosed cabinet and may or may not be internally illuminated.

8. **Changeable Copy Sign.** A sign designed to allow the changing of copy through manual, mechanical, or electrical means including time and temperature.

9. **Civic Event Sign.** A temporary sign, posted to advertise a civic event sponsored by a public agency, school, church, civic-fraternal organization, or similar noncommercial organization.

10. **Contractor or Construction Sign.** A sign which states the name of the developer and contractor(s) working on the site and related engineering, architectural or financial firms involved with the project.

11. **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.

12. **Directory Sign.** A sign for listing the tenants and their suite numbers of a multiple tenant structure or center.

13. **Double-Faced Sign.** A sign constructed to display its message on the outer surfaces of two identical and/or opposite parallel planes.
14. **Flashing Sign.** A sign that contains an intermittent or sequential flashing light source.

15. **Future Tenant Identification Sign.** A temporary sign that identifies the names of future businesses that will occupy a site or structure.

16. **Garage Sale Sign.** A sign with a message advertising the resale of personal property that has been used by the resident.

17. **Grand Opening.** A promotional activity not exceeding 30 calendar days used by newly established businesses, within two months after initial occupancy, to inform the public of their location and services available to the community. "Grand Opening" does not mean an annual or occasional promotion of retail sales by a business.

18. **Ground Mounted Sign.** A sign fixed in an upright position on the ground not attached to a structure other than a framework, pole or device, erected primarily to support the sign. Includes monument signs and pole signs.

19. **Holiday Decoration Sign.** Temporary seasonal signs, in the nature of decorations, clearly incidental to and customarily associated with nationally recognized holidays and which contain no advertising message.

20. **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 rending 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 which is a danger to the public or is unsafe;

    f. A sign which is a traffic hazard not created by relocation of streets or highways or by acts of the Town; or

    g. A sign that pertains to a specific event, and five days have elapsed since the occurrence of the event.

21. **Indirectly Illuminated Sign.** A sign whose light source is external to the sign and which casts its light onto the sign from some distance.

22. **Internally Illuminated Sign.** A sign whose light source is located in the interior of the sign so that the rays go through the face of the sign, or light source which is attached to the face of the sign and is perceived as a design element of the sign.

23. **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.

24. **Monument Sign.** An independent, freestanding structure supported on the ground having a solid base as opposed to being supported by poles or open braces.

25. **Multi-Tenant Sign.** An identification sign for a commercial site with multiple tenants, displaying the names of more than one tenant on the site.

26. **Nonconforming Sign.** An advertising structure or sign which was lawfully erected and maintained prior to the adoption of this Development Code, but does not now completely comply with current regulations.

27. **Off-Site Directional Sign.** A sign identifying a publicly owned facility, emergency facility, or a temporary subdivision sign, but excluding real estate signs.

28. **Off-Site Sign.** A sign identifying a use, facility, service, or product which is not located, sold, or manufactured on the same premise as the sign or which identifies a use, service, or product by a brand name which, although sold or manufactured on the premise, does not constitute the principal item for sale or manufactured on the premise. Also known as a billboard sign.

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. **Political Sign.** A sign designed for the purpose of advertising support of or opposition to a candidate or proposition for a public election.

31. **Pole/Pylon Sign.** An elevated freestanding sign, typically supported by one or two poles or columns.

32. **Portable Sign.** A sign that is not permanently affixed to a structure or the ground.

33. **Programmable Electronic Sign.** A changeable and illuminated sign made up of a field of individual electronic elements or mechanical grids that, when programmed and activated, create still or moving images, words, or numbers.

34. **Projecting Sign.** A sign other than a wall sign suspending from, or supported by, a structure and projecting outward.

35. **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.

36. **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.

37. **Roof Sign.** A sign constructed upon or over a roof, or placed so as to extend above the edge of the roof.

38. **Special Event Sign/Banner.** A temporary sign or banner that is intended to inform the public of a unique happening, action, purpose, or occasion (i.e., grand opening or community event).

39. **Temporary Sign.** A sign intended to be displayed for a limited period of time and capable of being viewed from a public right-of-way, parking area or neighboring property.

40. **Under Marquee Sign.** A sign suspended from a marquee or canopy.

41. **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.

42. **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.

43. **Window Sign.** A sign posted, painted, placed, or affixed in or on a window exposed to public view. An interior sign which faces a window exposed to public view and is located within three feet of the window.

Sign Area. The entire area within a perimeter defined by a continuous line composed of right angles using no more than four lines which enclose the extreme limits of lettering, logo, trademark, or other graphic representation.

Sign Height. The vertical distance from the uppermost point used in measuring the area of a sign to the average grade immediately below the sign, including its base or the top of the nearest curb of the street on which the sign fronts, whichever measurement is the greatest.

Single-Family Dwelling. A building designed for and/or occupied exclusively by one family. Also includes factory-built, modular housing units, constructed in compliance with the California Building Code, and mobile homes/manufactured housing on permanent foundations. May include the rental of rooms within a dwelling also occupied by the property owner or a primary tenant.

Site. A parcel or adjoining parcels under single ownership or single control, considered a unit for the purposes of development or other use.

Site Coverage. The percentage of total site area occupied by structures, and paving for vehicle use. 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. Pavement coverage includes areas necessary for the ingress, egress, outdoor parking, and circulation of motor vehicles. See Figure 7-4 (Site Coverage).

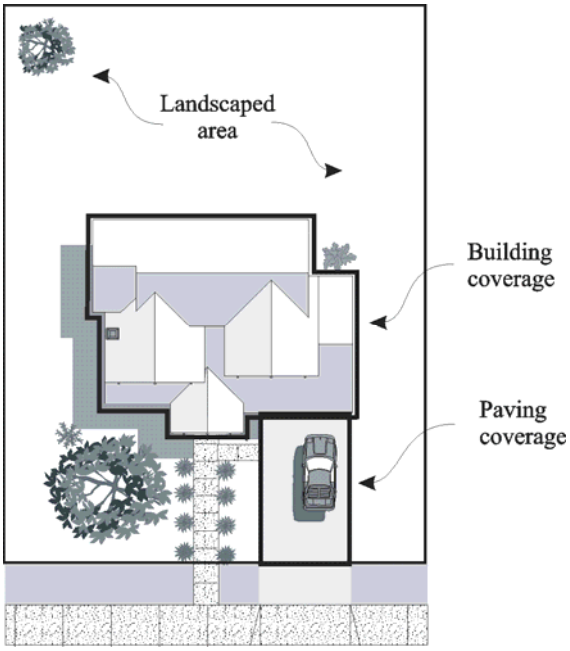


FIGURE 7-4
SITE COVERAGE

Skilled Nursing Facility. See “Medical Services – Extended Care”.

Stealth facility. A communications facility which is designed to blend into the surrounding environment, typically one that is architecturally integrated into a structure. Also referred to as concealed antenna.

Storage - Indoor. The storage of various materials entirely within a structure, as the primary use of the structure. Includes personal storage facilities (mini-storage), which are structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand. The storage of materials accessory and incidental to a primary use is not considered a land use separate from the primary use.

Storage - Outdoor. The storage of various materials outside of a structure other than fencing, either as an accessory or principal use.

Street. 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 Subsection.

Street Line. The boundary between a street right-of-way and property.

Structure. Anything constructed or erected, the use of which requires attachment to the ground or attachment to something located on the ground. For the purposes of this Development Code, the term "structure" includes "buildings."

Structural Alteration. Any change tending to prolong the life of the supporting members of a building, such as bearing walls, columns, beams, or girders.

Studios for Art, Dance, Music, Photography, etc. Small scale facilities, typically accommodating one group of students at a time, in no more than one instructional space. Larger facilities are included under the definition of "Schools - Specialized education and training." These include facilities for: individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics instruction, and aerobics and gymnastics studios with no other fitness facilities or equipment.

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 1315: a condominium project; a community apartment project; or the conversion of five or more existing dwelling units to a stock cooperative.

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.

Supportive Housing. Housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supporting 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 is treated the same as a residential use in a residential zone.

T. Definitions, "T."

Telecommunications Facilities. Public, commercial and private electromagnetic and photoelectrical transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, data network, and wireless communications, including commercial earth stations for satellite-based communications. Includes antennas, commercial satellite dish antennas, and equipment buildings. Does not include telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections (see "Utility Infrastructure").

Temporary Structure. A structure without any foundation or footings, and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

Temporary Use. A use of land that is designed, operated and occupies a site for a limited period of time, typically less than 12 months.

Theaters and auditoriums. Indoor facilities for public assembly and group entertainment, other than sporting events, including:

civic theaters, and facilities for "live" theater and concerts
exhibition and convention halls
motion picture theaters
public and semi-public auditoriums
similar public assembly uses

Does not include outdoor theaters, concert and similar entertainment facilities, and indoor and outdoor facilities for sporting events."

Transitional Housing. Building configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predermined future point in time, which shall be no less than six months. Transitional Housing is treated the same as a residential use in a residential zone.

Truck and Freight Terminals. This land use consists of transportation establishments furnishing services incidental to air, motor freight, and rail transportation including:

- freight forwarding services
- freight terminal facilities
- joint terminal and service facilities
- packing, crating, inspection and weighing services
- postal service bulk mailing distribution centers
- transportation arrangement services
- trucking facilities, including transfer and storage

Two-Family Dwellings. Duplexes and other free-standing structures designed and constructed to contain two independent dwelling units.

U. Definitions, "U."

Unit. See "Housing Unit."

Use. The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained.

Utility Facilities. 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, including the following:

- corporation and maintenance yards
- electrical substations and switching stations
- natural gas regulating and distribution facilities
- public water system wells, treatment plants and storage
- telephone switching facilities
- wastewater treatment plants, settling ponds and disposal fields

These uses do not include office or customer service centers (classified in "Offices"), or equipment and material storage yards.

Utility Infrastructure. Pipelines for water, natural gas, and sewage collection and disposal; and facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Also includes telephone, telegraph, cable television and other communications transmission facilities utilizing direct physical conduits. Does not include offices or service centers (see "Offices"), or distribution substations (see "Utility Facilities").

V. Definitions, "V."

Variance. A discretionary entitlement that may waive or relax the development standards of this Development Code, in compliance with 17.40.050 (Variances).

Vehicle Service. Establishments primarily engaged in the maintenance, service, diagnosis, repair, or painting of automobiles, motorcycles, scooters, mopeds, light trucks, vans, trailers, and recreational vehicles subject to the registration with the California Bureau of Automotive Repair.

Veterinary Clinics, Animal Hospitals, Kennels. Office and indoor medical treatment facilities used by veterinarians, including large and small animal veterinary clinics, and animal hospitals. Kennels and boarding operations are commercial facilities for the keeping, boarding or maintaining of four or more dogs four months of age or older, or four or more cats, except for dogs or cats in pet shops.

Voluntary. Resulting from free will.

W. Definitions, "W."

Warehouse Retail. Retail stores that emphasize the packaging and sale of products in large quantities or volumes, some at discounted prices, where products are typically displayed in their original shipping containers. Sites and buildings are usually large and industrial in character. Patrons may be required to pay membership fees.

Warehouses, Wholesaling and Distribution. These facilities include:

1. **Warehouses.** Facilities for the storage of 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 (see "Storage - Indoor"); warehouse facilities in which the primary purpose of storage is for wholesaling and distribution (see "Wholesaling and Distribution"); or terminal facilities for handling freight (see "Vehicle and Freight Terminals").

2. **Wholesaling and Distribution.** Establishments engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Includes such establishments as:

   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.

Wireless communication facility. Any public or private structure that supports antennae, microwave dishes, and other related equipment that sends and/or receives radio frequency signals.

X. Definitions, "X." No specialized terms beginning with the letter "X" are used at this time.

Y. Definitions, "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 17.14.060 (Setback Measurement and Exceptions) and Figure 7-2 (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.

Z. Definitions, "Z."

Zero Lot Line. The location of a building on a lot in a manner that one or more building edges rest directly on a lot line.

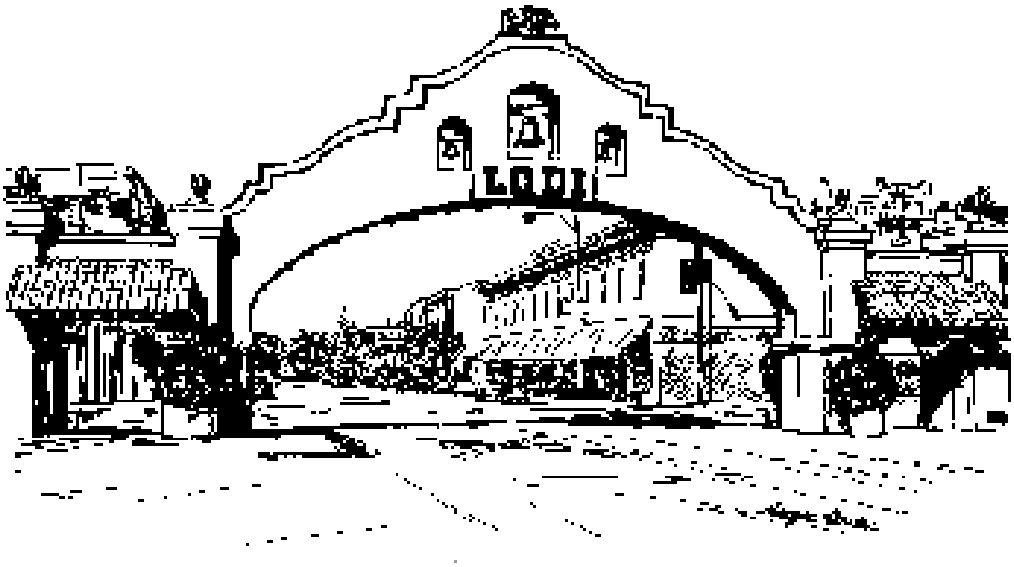
Zoning Clearance. A ministerial issued by the Department prior to issuance of any building permit to ensure that the proposed use and/or construction complies with all of the provisions of this Development Code.

Zoning District. Any of the residential, commercial, industrial, special purpose, or overlay districts established by Article 2 of this Development Code (Land Use Development 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 Ordinance. The Lodi Development Code, Title 17 of the Lodi Municipal Code, referred to herein as "this Development Code."

City of Lodi Development Code Update

Draft
Initial Study/Negative Declaration



Prepared by:

City of Lodi
Planning Division
221 West Pine Street
Lodi, California 95240

September 2012

Draft

Initial Study/Negative Declaration

For

CITY OF LODI DEVELOPMENT CODE UPDATE

September 2012

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1. PROJECT TITLE:

City of Lodi Development Code Update

2. LEAD AGENCY NAME AND ADDRESS:

City of Lodi
221 West Pine Street
Lodi, CA 9540

3. CONTACT PERSONS:

Environmental document: Manny Bereket: 209-333-6711

4. PROJECT LOCATION

City of Lodi (Citywide Development Code)

5. PROJECT SPONSOR'S NAME AND ADDRESS:

City of Lodi, Community Development Department
221 W. Pine Street
Lodi CA 95240

6. PROJECT DESCRIPTION

The project involves the update of the City of Lodi Development Code and zoning map to achieve consistency with the 2010 General Plan that was adopted by the City Council in April 2010 as well as with changes to Federal and State laws that have occurred since the adoption of the existing Development Code. The Development Code update implements the policies of the 2010 General Plan by classifying and regulating the development and uses of land and structures within the City through the City's zoning, subdivision, and other land use regulations. Figure 1 shows the location of Lodi within the greater San Joaquin Valley region and Figure 2 shows the City's boundaries.

The 2010 General Plan was the subject of a Final Environmental Impact Report (EIR) that was certified by the City Council in April 2010. As noted above, the Development Code update is being considered in order to ensure that the Code is consistent with the 2010 General Plan. Because the Development Code update is entirely consistent with the 2010 General Plan, this Negative Declaration tiers off of the 2010 General Plan FEIR(SCH#2009022075) in accordance with Section 15152 of the *CEQA Guidelines*. As such, the environmental analysis focuses on potential effects not examined in the 2010 General Plan FEIR.

Together, this Initial Study/Negative Declaration (IS/ND) and the 2010 General Plan FEIR constitute the environmental record for the proposed Development

Code update. The 2010 General Plan FEIR can be viewed at Lodi City Hall (221 West Pine Street, Lodi CA 95240) or on the City's website (http://www.lodi.gov/community_development/EIR%20pdfs/EIRs.html).

Article I contains basic information on the legal framework of the Development Code and describes the land uses and development-related activities that are regulated by the Development Code. It also provides information on how to use the code.

Article II contains chapters on different types of zoning districts (residential, commercial, etc.) that are applicable to public and private property within the City. These chapters list the specific types of land uses allowed in each zoning district and the type of land use/development permit that must be obtained prior to initiating each use. Article II also contains basic development standards for each zoning district and regulations for each land use.

Article III provides development standards that apply across zoning districts, including requirements for landscaping, off-street parking and loading, and signage. Article III also contains regulations for specific land uses and development types that may be allowed in a variety of zoning districts.

Article IV details each type of land use and development permit required by the Development Code and the City's requirements for the preparation, filing, processing, and approval of each permit application. This article also sets time limits for exercising a permit, and time extension procedures.

Article V comprises the City's subdivision ordinance. Article V provides site planning and design regulations for new subdivisions, and the procedural requirements for subdivision approval consistent with the mandates of the California Subdivision Map Act.

Article VI provides information on the Development Code's administration, amendments, enforcement, public hearings, and appeals. Article VII also contains provisions governing nonconforming structures, uses, and lots.

Article VIII contains definitions of the specialized and technical terms and phrases used in the Development Code.

The Development Code update is not intended to fundamentally alter the existing Code. Rather, its primary purposes are to:

- Ensure consistency with newly adopted 2010 General Plan
- Comply with Federal and State law (specific changes listed below)
- Incorporate existing Code interpretations
- Improve Code organization and usability

- Close loopholes and correct unclear language

Changes to the Development Code fall into three main categories:

1. Technical
   - Creation of consistent capitalization, punctuation and structure
   - Re-phrasing of language to improve consistency of text for legal purposes
   - Elimination of "loopholes" and ambiguity

2. Consistency
   - Text changes to ensure internal consistency
   - Update for consistency with Federal and State Law
   - New development standards

3. Policy Implementation
   - New chapters or sections

The Zoning Map, shown on Figure 3, has also been updated to be consistent with 2010 General Plan Land Use Map, to include:

- Mixed Use Corridor
- Downtown Mixed Use
- Mixed Use Center

Key elements that have been added to the Development Code to implement 2010 General Plan policies include:

- Development Standards for Downtown Mixed Use, Mixed Use Corridor, and Mixed Use Center Districts, including setbacks, height, parking and signage.
- Parking standards for senior housing developments.
- Density Bonus program.
- Updated antennas/wireless communications section for compliance with State regulations

The following changes have been made in accordance with State and Federal requirements:

- Allowing transitional/supportive housing by right in the residential districts.
- Regulations regarding large daycare uses within residential zones

7. SURROUNDING LAND USES AND SETTING:

Lodi is situated in the San Joaquin Valley between Stockton, 6 miles to the south; Sacramento, thirty-five miles to the north; and along State Route (SR) 99. The City

is located on the main line of the Union Pacific Railroad and is within 5 miles of I-5 via SR-12. The regional is depicted in Figure 2.1, Regional Location Map.

The Mokelumne River forms the northern edge of the city; Harney and Hogan lane southern edge. The Central California Traction Line (CCT) railroad (north of Kettleman Lane) and SR-99 (south of Kettleman Lane) form the eastern boundary. The western boundary extends approximately one-half mile west of Lower Sacramento Road. Lodi (exclusive of White Slough Water Pollution Control Facility) encompasses an area of 12.3 square miles. Figure 2 – 1: Regional Map illustrates the City's location in regional context.

8. NECESSARY PUBLIC AGENCY APPROVALS:

The City of Calabasas is the lead agency with responsibility for approving the proposed Development Code update. No other public agency approvals are needed.

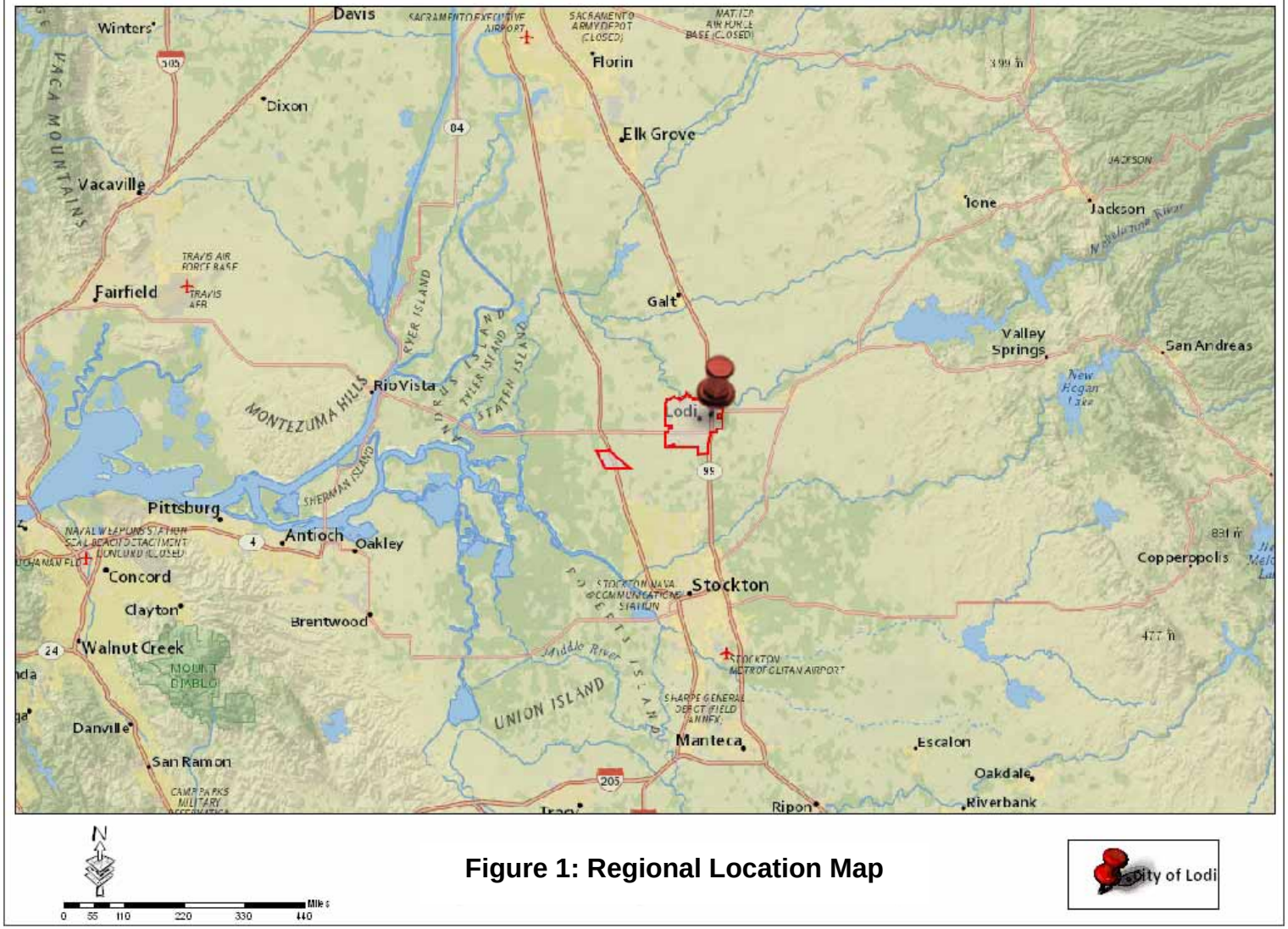

Figure 1: Regional Location Map

City of Lodi

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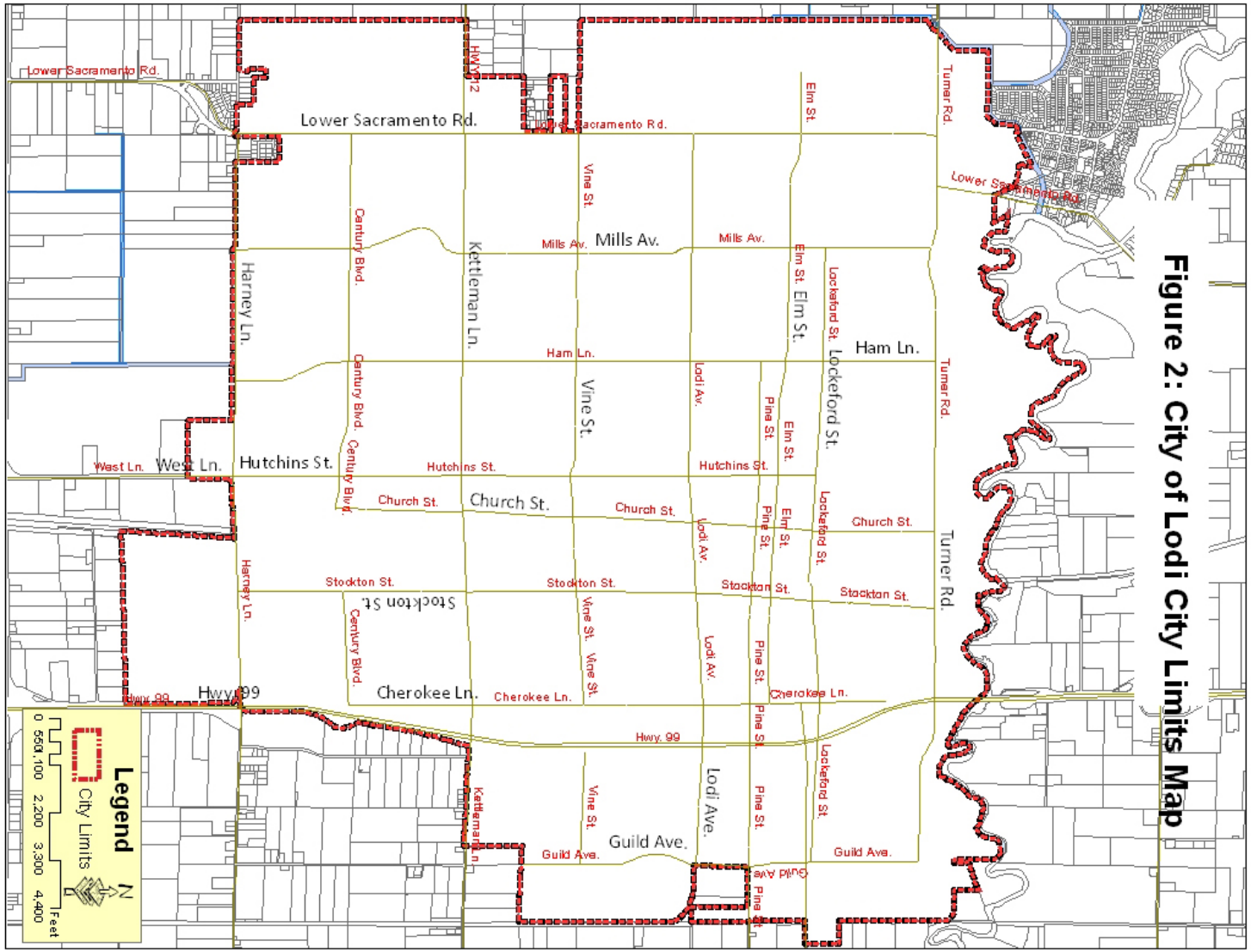

Figure 2: City of Lodi City Limits Map

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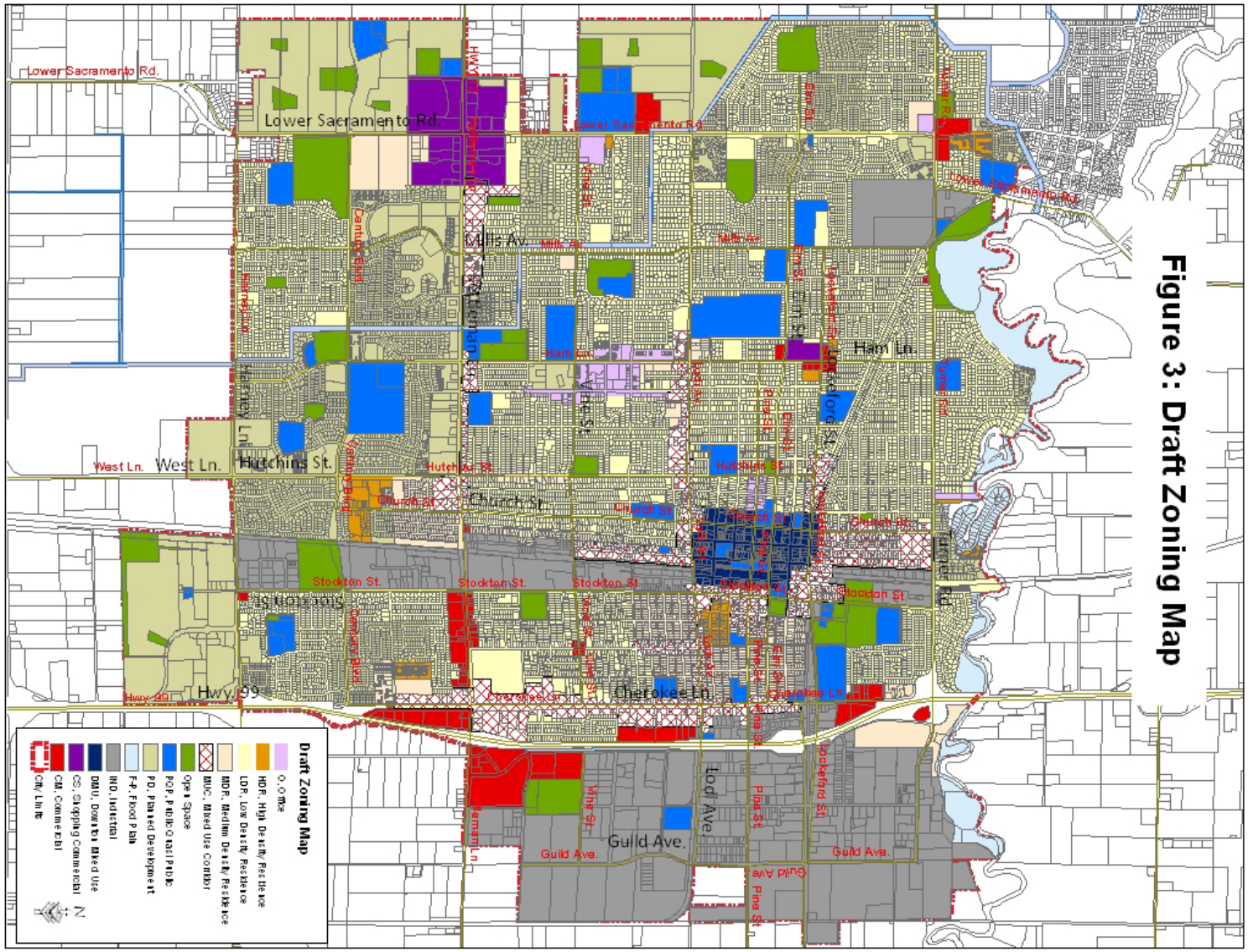
Lower Sacramento Rd.
Lower Sacramento Rd.
Lower Sacramento Rd.
Lower Sacramento Rd.
Mills Av.
Mills Av.
Ham Ln.
Ham Ln.
West Ln.
West Ln.
Hutchins St.
Hutchins St.
Hutchins St.
Church St.
Church St.
Church St.
Stockton St.
Stockton St.
Stockton St.
Stockton St.
Stockton St.
Hwy. 99
Hwy. 99
Cherokee Ln.
Cherokee Ln.
Cherokee Ln.
Guild Ave.
Guild Ave.
Guild Ave.
Lodi Ave.
Pine St.
Pine St.
Pine St.
Lockeford St.
Lockeford St.
Lockeford

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9. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project as indicated by the checklist on the following pages.

Environmental Factors Potentially Affected		
☐ Aesthetics	☐ Agriculture Resources	☐ Air Quality
☐ Greenhouse Gas Emissions	☐ Biological Resources	☐ Cultural Resources
☐ Geology / Soils	☐ Hazards & Hazardous Materials	☐ Hydrology / Water Quality
☐ Land Use / Planning	☐ Mineral Resources	☐ Noise
☐ Population / Housing	☐ Public Services	☐ Recreation
☐ Transportation / Traffic	☐ Utilities / Services Systems	
☐ Mandatory Findings of Significance		

10. ENVIRONMENTAL DETERMINATION

☐ I find that the proposed project could not have a significant effect on the environment, and a Negative Declaration will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A Mitigated Negative Declaration will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an Environmental Impact Report is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measure based on the earlier analysis as described on attached sheets. An Environmental Impact Report is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or Negative Declaration pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or Negative Declaration, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

_____ _____

Konradt Bartlam, Community Development Director Date

NOTICE OF AVAILABILITY AND NOTICE TO OF INTENT TO ADOPT A NEGATIVE DECLARATION FOR THE CITY OF LODI DEVELOPMENT CODE UPDATE

Notice is herby given that the City of Lodi has performed a comprehensive evaluation of the potential impacts for the proposed Development Code Update in accordance with the *CEQA Guidelines*. This Notice is to advise interested individuals that the City of Lodi intends to adopt a Negative Declaration for the project described below.

The initial study prepared by the City was undertaken for the purpose of determining whether the proposed Development Code Update may have a significant effect on the environment. On the basis of the initial study, Community Development Department staff has concluded that the proposed Development Code Update will not have a significant effect on the environment, and therefore has prepared a proposed Negative Declaration 12-ND-02. The initial study reflects the independent judgment of the City.

In accordance with provisions of the CEQA Guidelines, the Draft Negative Declaration tiers off of the 2009 General Plan Final Environmental Impact Report (FEIR) (SCH# 2009022075 that was certified by the City Council in April 2010. Together, this Draft Negative Declaration and the 2009 General Plan FEIR constitute the environmental record for the proposed Development Code Update. The 2010 General Plan FEIR can be viewed at Lodi City Hall (221 West Pine Street, Lodi Ca 95240) or on the City's website http://www.lodi.gov/com_dev/EIRs.html

FILE NUMBER: 12-ND-02

PROJECT TITLE: City of Lodi Development Code Update

PROJECT LOCATION: The Lodi Master Plans study area includes the current city boundaries. Lodi (exclusive of White Slough Water Pollution Control Facility) encompasses an area of 12.3 square miles.

PROJECT DESCRIPTION: The project involves the update of the City of Lodi Development Code and zoning map to achieve consistency with the 2010 General Plan that was adopted by the City Council in April 2010 as well as with changes to Federal and State laws that have occurred since the adoption of the existing Development Code. The Development Code update implements the policies of the 2010 General Plan by classifying and regulating the development and uses of land and structures within the City through the City's zoning, subdivision, and other land use regulations.

PUBLIC REVIEW PERIOD: As mandated by State law, the minimum public review period for this document is 20 days. The proposed Negative Declaration will be circulated for a 20-day public review period, beginning on **Wednesday, September 19, 2012** and

ending on **Monday, October 8, 2012**. Copies of the Draft Negative Declaration and Draft Development Code documents are available for review at the following locations:

- **Community Development Department**, 221 West Pine Street, Lodi, CA 95240
- **Lodi Public Library**, 201 West Locust Street, Lodi, CA 95240

The Negative Declaration and Draft Development Code Update are also available for review on the internet at the following web address: http://www.lodi.gov/com_dev/EIRs.html

Any person wishing to comment on the Initial Study and proposed Negative Declaration must submit such comments in writing **no later than 5:30 pm on Monday, October 08, 2012** to the City of Lodi at the following address:

Community Development Director
City of Lodi
P. O. Box 3006
Lodi, CA 95241

Facsimiles at (209) 333-6842 will also be accepted up to the comment deadline (please mail the original). For further information, contact Immanuel Bereket, Associate Planner, at (209)333-6711.

Konradt Bartlam, Community Development Director
City of Lodi
P. O. Box 3006
Lodi, CA 95241

A public hearing will be scheduled before the Planning Commission and City Council to receive comments on the document and to adopt the Negative Declaration. This meeting will be separately noticed when the date and time are set.

_____ _____

Konradt Bartlam, Community Development Director Date

Issues		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
1	**AESTHETICS .** *Would the Project:*				
	a. Have a substantial adverse effect on a scenic vista?	☐	☐	■	☐
	b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	■	☐
	c. Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	■	☐
	d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	■	☐

a-d) The updated provisions of the Development Code would implement 2010 General Plan policies and the impacts of implementing the Development Code would be similar to those identified in the 2010 General Plan FEIR. As identified in the FEIR, impacts to scenic vistas, scenic resources, visual character, and light/glare conditions could occur. However, proposed General Plan policies identified in the FEIR would reduce such impacts to below a level of significance. Moreover, land use and development standards contained in Article II and site planning and design standards contained in Development Code Article III would further reduce the potential for aesthetic impacts.

The proposed Development Code also includes an update of the antennas/wireless communications facilities section's (Development Code Section 17.36.140) standards for compliance with State and Federal regulations. This section would ensure that proposed facilities would not affect scenic resources by prohibiting such facilities within residential districts (other than in public rights-of-way) and by providing standards requiring use of subdued colors, non-reflective materials, landscape screening, and architecturally compatible elements.

Overall aesthetic impacts would be similar to those described in the 2030 General Plan FEIR and, with implementation of General Plan policies and Development Code standards, would be **less than significant**.

Issues		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
2	**AGRICULTURE RESOURCES:** *In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the Project:*				
	a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program in the California Resources Agency, to non-agricultural use?	☐	☐	☐	■
	b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	■
	c. Conflict with existing zoning for, or cause rezoning of forest land (as defined in PRC Sec. 4526), or timberland zoned Timberland Production (as defined in PRC Sec. 51104 (g)?	☐	☐	☐	■
	d. Result in loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	■
	e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	■

a-e) The updated provisions of the Development Code would implement 2010 General Plan policies and the impacts of implementing the Development Code would be similar to those identified in the 2010 General Plan FEIR. The proposed project would have no effect on Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as farming, gardening, and similar uses would be allowed in all zoning districts by right. **No impact** would occur with respect to this issue.

Issues			Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
3	**AIR QUALITY.** *Would the Project:*					
	a.	Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	■
	b.	Violate any air quality standard or contribute substantially to an existing or Projected air quality violation?	☐	☐	■	☐
	c.	Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	■	☐
	d.	Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	■	☐
	e.	Create objectionable odors affecting a substantial number of people?	☐	☐	☐	■

a) Growth regulated by, and the impacts of, the Development Code would be similar to those identified in the 2010 General Plan FEIR. Generally, a project would conflict with or potentially obstruct implementation of an air quality plan if it would contribute to population growth in excess of that forecasted in the air quality management plan (California Air Resources Control Board, 2007). The proposed update to the Development Code would not result in an increase of population for the City beyond that forecast in the 2010 General Plan FEIR. Consequently, as noted in the FEIR, the Development Code update is not expected to generate population in excess of that envisioned in the local Air Quality Management Plan (AQMP). **No impact** would occur.

b-d) As noted above under item a, the proposed Development Code update would not facilitate development beyond that forecast in the 2010 General Plan FEIR. Therefore, no impacts beyond those identified in the FEIR would occur and both temporary and long-term air quality impacts would be **less than significant**.

e) Growth regulated by the Development Code update generally would not be expected to create odors or expose people to odors. Zoning districts contained in Article II of the Development Code and site planning and design standards contained in Article III would further reduce the potential for odor impacts by ensuring that incompatible uses are not located in proximity to each other or that compatibility issues are addressed through site design. **No impact** would occur with respect to odors.

Issues		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
4	**GREENHOUSE GAS EMISSIONS.** *Would the Project:*				
	a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐	■
	b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	■

a-b) Growth regulated by the Development Code update generally would not be expected to create odors or expose people to odors. Zoning districts contained in Article II of the Development Code and site planning and design standards contained in Article III would further reduce the potential for odor impacts by ensuring that incompatible uses are not located in proximity to each other or that compatibility issues are addressed through site design. **No impact** would occur with respect to odors.

Issues		Potentially Significant Impact	Potentially Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
5	**BIOLOGICAL RESOURCES** *Would the proposal:*				
	a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	■	☐
	b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	■	☐
	c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	■	☐
	d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	☐	☐	■	☐
	e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	■	☐
	f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	■

a-e) Growth regulated by the Development Code would be consistent with that identified in the 2010 General Plan FEIR. Therefore, as discussed in the FEIR, implementation of 2010 General Plan policies would reduce biological resource impacts to a **less than significant** level.

f) Similar to the 2010 General Plan, the Development Code update would not facilitate development that would conflict with an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. **No impact** would occur.

Issues		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
6	**CULTURAL RESOURCES** *Would the Project:*				
	a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	■	☐
	b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	■	☐
	c. Directly or indirectly destroy a unique paleontological resource or unique geologic feature?	☐	☐	■	☐
	d. Disturb any human remains, including those interred outside of formal cemeteries.	☐	☐	■	☐

a-d) Updates to the Development Code with regards to cultural resources involve no technical changes. No consistency or policy changes are proposed. Therefore, cultural resource impacts associated with development regulated by the Development Code would be similar to those identified in the 2010 General Plan FEIR. As discussed in the FEIR, implementation of 2010 General Plan policies would reduce cultural resource impacts to a less than significant level. Therefore, as with the 2010 General Plan, impacts associated with the Development Code would be **less than significant.**

Issues		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
7	**GEOLOGY AND SOILS.** *Would the Project:*				
	a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
	i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	■	☐
	ii. Strong seismic ground shaking?	☐	☐	■	☐
	iii. Seismic-related ground failure, including liquefaction?	☐	☐	■	☐
	iv. Landslides?	☐	☐	■	☐
	b. Result in substantial soil erosion, or the loss of topsoil?	☐	☐	■	☐
	c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	■	☐
	d. Be located on expansive soils, as defined in Table 18-1-13 of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	■	☐
	e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	■	☐

a-d) There are no mapped surface or subsurface faults that traverse the city and the city is not listed within a State designated Alquist-Priolo Earthquake Fault Zone. Any future construction will be required to employ building standards set forth in the City's Building Code, including specific provisions for seismic design of structures. In addition, the General Plan FEIR concluded that impacts associated with seismic-related ground shaking would be reduced to less than significant due to mandatory compliance with building codes, policies contained in the General Plan, and mitigation measures included in the General Plan EIR. These mitigation measures require site-specific geologic investigation of seismic and geotechnical hazards potential for new development projects within the city. The proposed project would not change or have any effect on these existing regulations or mitigation measures; no new impacts associated with ground shaking or liquefaction would occur.

As discussed in the *Safety Element* of the 2010 General Plan, development regulated by the 2010 is subject to California Building Code, Fire Code, Municipal Code and other accepted safety practices. The final version of the 2010 General Plan includes policies that address potential impacts by requiring site-specific studies for projects. Development regulated by the Development Code would be similar to that forecast in the 2010 General Plan FEIR; thus, impacts would also be similar and would be **less than significant**. In addition, the Development Code includes various standards that would further reduce the potential for geologic impacts.

e) In coordination with the 2030 General Plan, the Development Code would regulate development in areas where septic systems are used. However, any proposed new septic systems would be subject to applicable regulatory requirements, including percolation tests to ensure that such systems can be operated without significant environmental effects. In addition, 2010 General Plan directs the City to continue monitoring the operation of existing septic systems and extend sanitary sewer service into areas where service is lacking if the provision of sewer service is determined to be technically warranted, economically feasible, and environmentally beneficial. Impacts would be **less than significant**.

Issues		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
8	**HAZARDS AND HAZARDOUS MATERIALS.** *Would the Project:*				
a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	■	☐
b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	■	☐
c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	■	☐
d.	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	■	☐
e.	For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard for people residing or working in the Project area?	☐	☐	☐	■
f.	For a Project within the vicinity of a private airstrip, would the Project result in a safety hazard for people residing or working in the Project area?	☐	☐	☐	■
g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	■	☐
h.	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	■	☐

a-d) Numerous Federal, State and local regulations regarding use, storage, transportation, handling, processing and disposal of hazardous materials and waste have been adopted since the passage of the Federal Resource Conservation and Recovery Act (RCRA) of 1976. The goal of RCRA is to assure adequate tracking of hazardous materials from generation to proper disposal. California Fire Code (CFC) Articles 79, 80 et al., which augment RCRA, are the primary regulatory guidelines

used by the City and the County of San Joaquin to govern the storage and use of hazardous materials. The CFC also serves as the principal enforcement document from which corresponding violations are written.

Senate Bill 1082 (1993) established the "Unified Hazardous Waste and Hazardous Materials Management Regulatory Program." The Unified Program consolidates, coordinates, and makes consistent the following hazardous materials and hazardous waste programs (Program Elements):

- Hazardous Waste Generation (including onsite treatment under Tiered Permitting)
- Aboveground Petroleum Storage Tanks (only the Spill Prevention Control and Countermeasure Plan or "SPCC")
- Underground Storage Tanks (USTs)
- Hazardous Material Release Response Plans and Inventories
- California Accidental Release Prevention Program (Cal ARP)
- Uniform Fire Code Hazardous Material Management Plans and Inventories

The Federal government and the State of California have adopted a series of regulatory requirements pertaining to lead exposure. A discussion of all lead-related regulations can be found on the Department of Health Services website (http://www.dhs.ca.gov/childlead/html/GENregs.html).

The following databases were checked for known hazardous materials contamination in the project area:

- Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) database
- Geotracker search for leaking underground fuel tanks, Spills-Leaks-Investigations- Cleanups (SLIC) and Landfill sites
- Cortese list of Hazardous Waste and Substances Sites
- The Department of Toxic Substances Control's Site Mitigation and Brownfields Database.

The abovementioned databases list a number of sites in and around the City. Potential hazard impacts could occur due to the presence of soil and/or groundwater contamination. However, as discussed in the 2010 General Plan EIR, numerous Federal, State, and local regulations regarding use, storage, transportation, and disposal of hazardous materials and waste are in place and the 2010 General Plan contains policies that aim to minimize adverse impacts to health and quality of life associated with exposure to hazardous materials. Continued compliance with existing regulatory requirements and General Plan policies would address contamination impacts on a case-by-case basis. As development regulated by the Development Code would be similar to that forecast in the 2010 General Plan FEIR, impacts would be **less than significant**.

e, f) The City limits are outside of the Part 77 Horizontal Surface zone of the Lodi Airpark and Kingdon Executive Airport. Part 77 Horizontal Surface zone consists of the airport's

primary, horizontal, conical, approach and transitional surfaces. Therefore, **no impact** is anticipated.

g, h) The City's newly adopted 2010 General Plan identifies both urban and wildland fire hazards exist in the Lodi Planning Area, creating the potential for injury, loss of life, and property damage. Urban fires primarily involve the uncontrolled burning of residential, commercial, and/or industrial structures due to human activities. Factors that exacerbate urban structural fires include substandard building construction, highly flammable materials, delayed response times, and inadequate fire protection services. The City of Lodi is not characterized by substantial areas of wildlands. The topography of the City is relatively homogenous and steep slopes that could contribute to wildland fires are not common. The City's General Plan indicates that less than one percent of the City and its immediate vicinity has "Moderate" fire hazard potential. Growth regulated by the Development Code would be consistent with that forecast in the 2010 General Plan FEIR. As such, impacts to emergency response would be similar as well. Site planning and project design standards contained in the Development Code would ensure that emergency response access is maintained for individual properties within the City. Impacts would be **less than significant**.

Issues		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
9	**HYDROLOGY AND WATER QUALITY** *Would the Project:*				
a.	Violate any water quality standards or waste discharge requirements?	☐	☐	☐	■
b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (i.e., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	■
c.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	■	☐
d.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	■	☐
e.	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	■	☐
f.	Otherwise substantially degrade water quality?	☐	☐	■	☐
g.	Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	■	☐
h.	Place within a 100-year floodplain structures which would impede or redirect flood flows?	☐	☐	■	☐
i.	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	■	☐
j.	Inundation by seiche, tsunami, or mudflow?	☐	☐	■	☐

a, b) Growth regulated by the Development Code would be consistent with the General Plan and with the forecasts contained in the 2010 General Plan FEIR. Any future development would be required to comply with applicable water quality standards and

waste discharge requirements. Therefore, any future development would not affect groundwater supplies or recharge. **No impact** would occur with respect to these issues.

c-f) Future development would incrementally alter drainage patterns within Lodi by adding impervious surfaces. However, Development Code does not propose alteration of any water course or specific modification to drainage patterns. As indicated in the General Plan Final Program EIR, all future development would be required to incorporate adequate drainage that would transport runoff to local basins and nearby storm channels. Additionally, the General Plan *Growth Management Element* and *Safety Element* policies and policy actions further protect community members from drainage and flooding harm. All future developments would be subject to the requirements of the City of Lodi's Stormwater and Urban Runoff Pollution Control Ordinance, which address provisions that apply to the discharge, deposit, or disposal of any stormwater and/or runoff to the storm drain system and/or receiving waters within any area covered by the National Pollutant Discharge Elimination System (NPDES) municipal stormwater permit. The FEIR concluded that implementation of these policies and regulations would reduce impacts to below a level of significance. Therefore, because development regulated by the Development Code would be consistent with that forecast in the FEIR, impacts associated with Development Code implementation would be **less than significant**.

g-i) In coordination with the 2030 General Plan, the proposed Development Code would regulate development within the 100-year flood zone. However, as discussed in the 2010 General Plan FEIR, 2010 General Plan requires developments to incorporate adequate mitigation measures to achieve an acceptable level of risk from potential flooding hazards. The FEIR concludes that this and other policies would reduce flood hazards to a less than significant level. Because development regulated by the Development Code would be consistent with forecasts contained in the 2010 General Plan FEIR, flooding impacts associated with Development Code implementation would also be **less than significant**.

j) Lodi is not subject to risks relating to seiche or tsunami. Lodi is located inland from the Pacific Ocean and as such, is not subject to tsunami hazards. The project limits are relatively flat and fully urbanized and therefore not susceptible to mudflows. The potential for exposure to such risks would be the same as that identified for the 2030 General Plan and, with implementation of 2010 General Plan policies and existing City regulations, would be reduced to a **less than significant** level.

Issues			Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
10	**LAND USE AND PLANNING.** *Would the Project:*					
	a.	Physically divide an established community?	☐	☐	☐	■
	b.	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating on environmental effect?	☐	☐	☐	■
	c.	Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	■

j) The proposed update to the Development Code is specifically intended to achieve consistency with the 2010 General Plan and other relevant plans. The Development Code would not facilitate any roads or other facilities that would divide an established community. No adopted habitat conservation plans or natural community conservation plans apply in Lodi. Allowing transitional/supportive housing by right within the Residential Multi- Family (RM) zone and emergency shelters within the Commercial Limited (CL) zone could have the potential to create land use conflicts relating to visual compatibility and noise; however, implementation of Development Code standards on such development would effectively address any potential conflicts as all projects would be required to comply with applicable development standards and noise restrictions. **No impact** relating to land use and planning would occur.

Issues		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
11	**MINERAL RESOURCES** *Would the Project:*				
	a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?	☐	☐	☐	■
	b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	■

a-b) The 2010 General Plan prohibits the extraction of mineral resources that could result in significant environmental impacts. Because development regulated by the Development Code would be consistent with that regulated by the 2010 General Plan and forecast in the 2010 General Plan FEIR, it would not entail construction of structures or facilities for the purposes of extraction or exploration of mineral resources. **No impact** to mineral resources would occur.

Issues		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
12	**NOISE**				
	Would the Project result in:				
	a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	■	☐
	b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	■	☐
	c. A substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?	☐	☐	■	☐
	d. A substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project?	☐	☐	■	☐
	e. For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?	☐	☐	☐	■
	f. For a Project within the vicinity of a private airstrip, would the Project expose people residing or working in the Project area to excessive noise levels?	☐	☐	☐	■

a-c) As discussed in Section 4.9 of the 2030 General Plan FEIR, all future developments could result in the exposure of future developments and residents to higher noise levels that could exceed the City's Noise Standards. The General Plan Program EIR concluded that with adherence to the City's Noise Ordinance, impacts would be reduced to a l**ess than significant** level. Future development pursuant to the proposed project would also be subject to mitigation measures detailed in the General Plan FEIR. The Development Code would not change any General Plan policies associated with reduction of noise impacts. Impact would be less than significant.

d) As discussed in the 2010 General Plan FEIR, construction activity throughout City could temporarily expose residents and businesses to temporary elevated noise levels. Similar impacts could occur as a result of Development Code implementation. However, the proposed Development Code specifies that no construction activities should take place before seven a.m. or after seven p.m. on any day. Through limitation of construction activity to times of day when people are less sensitive to noise, impacts would be reduced to a **less than significant** level.

e, f) There is no airport located within two (2) miles of the City limits. The closest airport to the City limits is the Lodi Airpark, located approximately four (4) miles southwest of

the Project site, and supports twenty to thirty (20-30) operations per day. The airport's noise "footprint" does not extend beyond the immediate airport boundary. Therefore, the City is not subject to excessive noise levels associated with airport operations. **No impact** would occur with respect to these issues.

Issues		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
13	**POPULATION AND HOUSING** *Would the Project:*				
	a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	☐	☐	■	☐
	b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	■	☐
	c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	■	☐

a-c) Development regulated by the proposed Development Code would be consistent with that regulated by the 2010 General Plan. Consequently, anticipated population growth under the Development Code would be consistent with the forecasts contained in the 2010 General Plan FEIR. No exceedance of SCAG population forecasts for the City is anticipated. Impacts would be **less than significant**. The new zoning map is consistent with the adopted 2030 General Plan land use map. Therefore, though individual residences could be displaced over time, the Development Code would not facilitate displacement of substantial numbers of people or housing. Impacts would be **less than significant**.

Issues		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
14	**PUBLIC SERVICES**				
	Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
	a. Fire protection?	☐	☐	■	☐
	b. Police protection?	☐	☐	■	☐
	c. Schools?	☐	☐	■	☐
	d. Parks?	☐	☐	■	☐
	e. Other public facilities?	☐	☐	■	☐

a-i) The Lodi Fire Department (LFD) provides fire protection, basic life support (BLS), fire prevention, technical rescue, and hazardous materials response services to the City of Lodi. Growth regulated by the proposed Development Code would be consistent with that regulated by the 2010 General Plan and forecast in the 2010 General Plan FEIR. Therefore, because it was determined that implementation of proposed 2010 General Plan policies would reduce potential impacts to below a level of significance, impacts associated with the Development Code would also be **less than significant**.

a-ii) The Lodi Police Department provides law enforcement and animal services to the City of Lodi. As discussed in the 2010 General Plan, forecast growth within Lodi would incrementally increase demand for police protection service. However, forecast growth would not create the need for new police protection facilities; therefore, significant impacts relating to police protection service are not anticipated. Because growth regulated by the proposed Development Code would be consistent with that regulated by the 2010 General Plan and forecast in the 2010 General Plan FEIR, impacts associated with the Development Code would also be **less than significant**.

a-iii) The Lodi Unified School District provides public education for grades preschool through twelve on a traditional calendar system. The proposed Development Code would facilitate similar levels of growth as were forecast in the 2030 General Plan FEIR, but would not create any new impact to schools beyond that noted in the FEIR. Section 65995(h) of the California Government Code (Senate Bill 50, chaptered August27, 1998) states that payment of statutory fees "...is deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization." Therefore, pursuant to CGC §65995(h) and as identified in the 2010 General Plan FEIR, impacts relating to school capacity would be **less than**

significant assuming that future developers within Lodi continue to pay State-mandated school impact fees.

a-iv) The City of Lodi operates a total of 27 parks, natural open space areas, and sports field. Park facilities in Lodi range from mini-parks and tot lots to larger regional parks and natural open space areas. Growth regulated by the proposed Development Code would create similar demand as that forecast for the 2010 General Plan, but would not create any impacts beyond those identified in the 2010 General Plan FEIR. Consequently, similar to the 2010 General Plan, impacts relating to parks and recreation would be **less than significant**.

a-v) As discussed above, growth regulated by the proposed Development Code is consistent with that forecast for the 2010 General Plan FEIR, significant impacts relating to libraries are not anticipated. Impacts relating to other services would be **less than significant**.

	Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
15	**RECREATION**				
	a. Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	■	☐
	b. Does the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	■	☐

a-b) Please see the discussion above under Item XIII. a.iv. Impacts relating to recreation would be **less than significant**. Growth regulated by the proposed Development Code would create similar demand as that forecast for the 2010 General Plan, but would not create any impacts beyond those identified in the 2010 General Plan FEIR. Consequently, similar to the 2010 General Plan, impacts relating to parks and recreation would be **less than significant**.

Issues		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
16	**TRANSPORTATION / TRAFFIC** *Would the Project:*				
a.	Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☐	☐	■	☐
b.	Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	■	☐
c.	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	■
d.	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	■	☐
e.	Result in inadequate emergency access?	☐	☐	☐	■
f.	Result in inadequate parking capacity?	☐	☐	☐	■
g.	Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	■

a-b) As discussed in Section 3.2.13 of the 2010 General Plan FEIR, traffic growth regulated by the 2010 General Plan could not result in deficiencies to the local circulation system based on General Plan level of service standards. Growth regulated by the proposed Development Code would be similar to, but would not exceed, that regulated by the 2010 General Plan. Therefore, although Development Code implementation could create significant impacts as described above, it would not create any impacts beyond those identified in the 2030 General Plan FEIR. Therefore, impacts would be **less than significant.**

c) Implementation of the proposed Development Code would have no effect on air traffic patterns. **No impact** would occur.

d, e) Article III of the proposed Development Code includes specific site planning and project design standards intended to address such issues as traffic hazards and emergency access. As such, impacts relating to traffic hazards and emergency access would be **less than significant**.

f) Article III of the proposed Development Code includes specific parking standards for the range of land uses that could be regulated by the Code. Implementation of these standards as individual projects are proposed would address parking demand and reduce impacts to a **less than significant** level.

f) The purpose of the Development Code is to implement the policies of the 2010 General Plan, including Circulation Element policies relating to alternative transportation. As such, the Development Code would not conflict with such policies and **no impact** would occur.

Issues		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
17	**UTILITIES AND SERVICE SYSTEMS** *Would the Project:*				
a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	■	☐
b.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	■	☐
c.	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	■	☐
d.	Have sufficient water supplies available to serve the Project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	■	☐
e.	Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's Projected demand in addition to the provider's existing commitments?	☐	☐	■	☐
f.	Be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs?	☐	☐	■	☐
g.	Comply with federal, state, and local statutes, and regulations related to solid waste?	☐	☐	■	☐

a, b e) The City owns and operates the wastewater collection system within its corporate limits. The collection system includes separate domestic and industrial sewers and related pumping facilities. Untreated wastewater is piped to the City's treatment plant through pipes, utilizing both gravity flow and lift stations, where appropriate. The City also owns the treatment facilities at the White Slough Water Pollution Control Facility (WSWPCF) located approximately 6 miles southwest of the City. The City has adopted and maintains a *Wastewater Master Plan* to estimate future infrastructure and service demands within Lodi. Because growth regulated by the Development Code is consistent with that regulated by the 2010 General Plan, sufficient plant capacity would continue to be available and impacts relating to wastewater service would be **less than significant**.

c) The proposed project does not involve any development activity. The project implements General Plan policies and programs. The project would not facilitate any substantial new development activity beyond that analyzed in the General Plan FEIR. The General Plan Program EIR included a mitigation measure which requires all new development to undertake a site-specific sewer evaluation prior to issuance of grading permits or otherwise determined as necessary by the City. Because growth regulated by the Development Code is consistent with that regulated by the 2010 General Plan,

sufficient plant capacity would continue to be available and impacts relating to wastewater service would be **less than significant**.

d) City of Lodi Water supplies and distributes potable water. According to the City's Urban Water Management Plan (UWMP), the City currently has a net surplus in water supply given the City's current water entitlements and current water demand. In addition, year 2010 Projections show the City with a net surplus in water supply. The UWMP analyzed future growth within the City based on land use assumptions depicted in the City's General Plan. The proposed Project consists of activation of a well and would contribute to the City's water supply. The proposed project does not involve any development activity. The project implements General Plan policies and programs at a development level that does not exceed that which was analyzed in the General Plan EIR. Review of future projects will continue to be carried out to ensure that the projects are consistent with all General Plan Policies and Policy Actions. Impacts on water supplies or water supply infrastructure would be **less than significant.**

f, g) As indicated in the General Plan EIR, The increased solid waste due to implementation of the General Plan could be accommodated within the existing landfill capacity. Adoption of the proposed Master Plans will not facilitate any substantial new development activity beyond that analyzed in the General Plan EIR, and thus will not lead to any significant solid waste production beyond that previously indicated. Furthermore, compliance with the City's Source Reduction and Recycling Element (SRRE) program, whereby all future development projects must divert solid waste to meet state diversion goals associated with AB 939, as well as State and County waste reduction programs and policies, would reduce the volume of solid waste entering landfills. Review of future projects will continue be carried out to ensure that the projects are consistent with all General Plan Policies and Policy Actions and the SRRE program. Adherence to such requirements would reduce potential impacts associated with solid waste to a less than significant impact level. Growth regulated by the proposed Development Code would be consistent with that regulated by the 2030 General Plan and forecast in the 2010 General Plan FEIR. Therefore, the Development Code would not create any impacts beyond those identified in the 2010 General Plan FEIR and impacts would be **less than significant**.

Issues	Potentiall	Less Than	Less-	No

		y Significant Impact	Significant With Mitigation Incorporated	Than-Significant Impact	Impact
18	**MANDATORY FINDINGS OF SIGNIFICANCE**				
	a. Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	■	☐
	b. Does the Project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a Project are considerable when viewed in connection with the effects of past Projects, the effects of other current Projects, and the effects of probable future Projects)?	☐	☐	■	☐
	c. Does the Project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	■	☐

a) As discussed in Section IV, *Biological Resources* and Section V, *Cultural Resources*, the proposed Development Code does not have the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. Impacts would be **less than significant**.

b) The proposed Development Code considers cumulative growth within Lodi and, as discussed throughout this Initial Study, significant cumulative impacts associated with developed regulated by the Development Code are not anticipated. Consequently, no cumulatively considerable impacts would occur and impacts would be **less than significant**.

c) As discussed in Section III, *Air Quality*; Section VI, *Geology and Soils*; Section VII, *Hazards and Hazardous Materials*; Section VIII, *Hydrology and Water Quality*; Section XI, *Noise*; and Section XV, *Transportation and Traffic*, the proposed Development Code would not create environmental effects that would adversely affect human beings. Impacts would be **less than significant**.

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CITY OF LODI
PLANNING COMMISSION
Staff Report

MEETING DATE:	October 10, 2012
APPLICATION NO:	N/A
REQUEST:	Request for Planning Commission to Recommend to the City Council approval of the Draft Lodi Land Use and Development Code, Draft Zoning Map, and to certify the Negative Declaration.
LOCATION:	City Wide
APPLICANT:	City of Lodi

RECOMMENDATION:
Staff recommends that the Planning Commission recommend that the City Council approve the Draft Lodi Land Use and Development Code, Draft Zoning Map, and Certify Negative Declaration.

REVIEW AUTHORITY:
Pursuant to Lodi Municipal Code, the Planning Commission is the recommending body for reviewing amendments to the Lodi Land Use and Development Code and Zoning Map, and the City Council is the final approval body.

BACKGROUND:
The City of Lodi adopted the current zoning ordinance in 1956. Since adoption, numerous text amendments have occurred in response to changing development patterns and concerns. However, the core elements of the 1956 document have remained intact. When the zoning ordinance was first adopted, the City was less than its current size and most development applications consisted of large tracts of land with hundreds of residential units. Today, the City is largely being developed with the majority of land use applications proposing smaller residential subdivisions or more modest commercial and industrial development.

Following an extensive public outreach period, on April 2010, the City Council considered and approved of a comprehensive update to the City's General Plan. The 2010 General Plan created new land use categories, merged several commercial and industrial land use categories, and created a vision for the City's the next twenty years. The final phase of the General Plan update project consists of updating the City's Land Use and Development Code to make the Code consistent with the policies of the updated General Plan.

On September 7, 2011, the City Council authorized the release of a Request for Proposals (RFP) for the update and implementation of the Development Code, which is intended to complete a process that began in 1999. The process was halted twice in the past mostly due to staffing and budgeting concerns. In December 2011, the City entered into a Professional Services Agreement with Raney Planning and Management, Inc., of Sacramento to facilitate a comprehensive Development Code Update. The City has been working with Raney Planning and Management on updating the current Zoning Ordinance. The Land Use and Development Code update includes revisions in order to:

- Consistent with the City's 2010 General Plan
- Comply with Federal and State laws
- Improve the organization and usability of the Code
- Eliminate inconsistencies and remove obsolete text.

On July 11, 2012, a Draft Land Use and Development Code was released for public review. The Planning Commission held three sessions (July 11, August 8, and September 12, 2012) to review the Draft Land Use and Development Code. The Draft Development Code was distributed to the Planning Commission in three segments. The first at the July 7th meeting included the introduction, residential districts and mixed use zoning districts. At the Commission's August 8th, the commercial and industrial districts were introduced. On the last meeting, the staff presented landscape ordinance, parking and sing standards, and standards for specific land uses such as child day care facilities, recycling facilities, telecommunication facilities etc. The entire Plan as described has been made available on the web-site with notification being made by both newspaper and to the mailing list of interested parties.

Since July 11, 2012, approximately 6 to 8 residents and other interested parties met with staff to discuss the proposed zoning amendments. At the conclusion of these workshops, and in response to feedback received, the Draft Development Code was revised further. Prior to this hearing, a hard copy of the Development Code incorporating all the changes has been made available for public review and distributed to interested parties. In addition, a copy of the zoning map was distributed and made public on the City's website.

DISCUSSION/ANALYSIS:
The purpose of this hearing is for the Planning Commission to review the Draft Development Code. The attached Draft Development Code incorporates changes and revisions that have occurred as result of public comments received and internal review of the document. To facilitate discussion on the Development Code, staff has divided the draft Development Code into three categories: A) residential and mixed-use zoning districts; B) commercial and industrial districts; C) landscaping, parking, sign and other specific uses such as childcare centers, home occupation permits, residential density bonus, etcetera.

A. Residential and Mixed-Use Zoning Districts

The current zoning ordinance contains four different single-family (low density) residential classifications: R-1 (Single-Family Residential), R-2 (Single-Family Residential), RE-1 (Single-Family Residential, Eastside) R-LD (Residential Low Density). The zoning designation numbers do not correlate with how many dwelling units are allowed; instead the numbers simply categorize the various lot sizes within the same zoning classification. Lot sizes are the only differences between these zoning districts; otherwise, the same height, lot coverage, setback, parking requirements and other zoning restrictions apply to each zoning district.

The proposed Development Code merges the R-1, R-2, RE-1, and LD-R zoning districts into a single land use classification: Low Density Residential. Merging the various single family residential districts into a single classification will now be consistent with the 2010 General Plan, which provides one Low Density Residential land use designation. This land use designation is intended for residential development at densities of two to eight units per acre. Similarly, the proposed Development Code seeks to merge the current RG-A (Residential Garden Apartments) and RM-D (Residential Medium Density) zoning districts into Medium Density Residential land use designation. There is no discernible land use difference between the RG-A and RM-D zoning districts. The RH-D (Residential High Density) zoning district will remain unchanged. As drafted, the Development Code classifications simplify the document and eliminate unnecessary duplication of zoning districts. In addition, the three proposed residential zones (LD-R, MD-R, and HD-R) will now be consistent with the three General Plan land use designations (LDR, MDR, and HDR) and the General Plan's allowable densities. The table below summarizes the different proposed changes and relationship to the 2010 General Plan.

DEVELOPMENT FEATURE	REQUIREMENT BY ZONING DISTRICT		
	RLD	**RMD**	**RHD**
Minimum lot size	*Minimum area, width, and depth required for new parcels.*		
Area - Single Family	5,000 sq. ft.	5,000 sq. ft.	4,000 sq. ft.
Area - 2-Family	6,000 sq. ft.(1)	5,000 sq. ft.	4,000 sq. ft.
Area - Multi-Family		8,000 sq. ft.	8,000 sq. ft.
Minimum lot area per unit	*Minimum lot area per unit determines the maximum number of dwellings that may be allowed on a parcel where this Chapter allows more than one dwelling unit per parcel.*		
Single Family	5,000 sq. ft.	5,000 sq. ft.	4,000 sq. ft.
2-Family	3,000 sq. ft.(1)	3,000 sq. ft.	2,000 sq. ft.
Multi-Family		4,000 sq. ft. for 1st unit plus 2,000 sq. ft. for each additional unit	5,000 sq. ft. for 1st unit plus 1,000 sq. ft. for each additional unit
Density(1)	Up to 8 du/ac	8.1 to 20 du/ac	15 to 35 du/ac
Lot Street Frontage Width	50'	50' for one dwelling 60' for two dwellings	50' for one dwelling 60' for two dwellings
Setbacks	*Minimum and, where noted, maximum setbacks required. See Section 17.30.070 for exceptions to these requirements.*		
Front	15 ft.		
Sides (each)	5 ft.		
Street side	10 ft.		
Rear	10 ft.		
Garage	20 ft. from any property line abutting a street, 5 ft. from alley		
Site coverage	45%	50%	60%
Height limit	2 stories; not to exceed 35 ft.		4 stories, not to exceed 60 ft.
(2) Duplex, Corner lots only			

Beyond establishing consistency with the General Plan densities will be the concern of the public about how the change in the zoning numbering scheme affects their property in regard to setbacks, height, lot coverage and in particular allowable use. For the most part these will remain unchanged. Key changes affecting residential districts are merging of various low density (single family) residences into a single zoning district. This makes the document accessible, removes unnecessary redundancy and improves its usability. In addition, the draft Development Code updates the City's policy regarding second dwelling units (or granny units) consistent with requirements State Law (Government Code Section 65852.2) governing residential second units. The amendment related to second dwelling unit is that (a) the maximum floor plan for a second dwelling unit is now 640 sq. ft. whereas the current zoning ordinance allows no more than 400 sq. ft.; and (b) the draft Development Code updates procedures allowing a second dwelling unit by establishing a ministerial review process for second units. A ministerial action is an objective decision which does not require subjective judgment, and is not subject to public notification, comment, or appeals.

Mixed-Use Districts:
A key initiative of the 2010 General Plan policy is to create mixed-use designations. The purpose of the Mixed-Use zoning districts is to provide opportunities for well-designed development projects that combine residential with nonresidential uses, including office, retail, business services, personal services, public spaces and uses, and other community amenities designated with the mixed-use land use designations in the 2010 General Plan. The intent of these zones are to accomplish the following objectives:

- Create a viable, walkable urban environment that encourages pedestrian activity and reduces dependence on the automobile, through a streetscape that is connected, attractive, safe and engaging;
- Provide complementary residential, commercial, and other uses within walking distance of each other;
- Develop an overall design framework to ensure that the quality, appearance and effects of buildings, improvements and uses are compatible with 2010 General Plan Community Design and Livability Element;
- Revitalize commercial corridors with mixed-use developments that attract and encourage market-driven private investment;
- Encourage parking solutions that are incentives for creative planning and sustainable neighborhood design.

The proposed mixed-use districts are described as follows:

Downtown-Mixed Use (DMU)
As described in the City's 2010 General Plan, Downtown Mixed Use is intended for a variety of commercial, office, public, and medium- and high-density (15-35 du/ac) residential uses on infill sites in the vicinity of Lodi's downtown. This classification encompasses an expanded downtown area, across the railroad tracks and extending past Main Street. Retail uses or eating and drinking establishments are required at the ground level. This category intends to maintain the mix, scale and character of downtown development, while providing opportunities for redevelopment of vacant, and underutilized sites. The maximum FAR (floor area ratio) for this designation is 3.0, which includes all residential and non-residential uses combined. At this development intensity all parking is expected to be provided offsite; if on-site parking is provided, lower development intensities, as specified in the Development Code Parking Section, would be allowed.

Mixed Use Corridor (MCO)
The Mixed-Use Corridor classification includes a variety of office and general commercial uses, as well as low, medium, and high-density residential uses along the city's major corridors: Kettleman and Cherokee lanes and Lodi Avenue. This category allows for somewhat more intensive development along these corridors to take advantage of vacant and underutilized sites and provide shopping and services to residents in highly accessible corridors. The maximum FAR for this designation is 1.2. Most of Kettleman Lane presently is zoned R-C-P (residential, commercial and professional). The RCP zoning district allows a mixture of uses such as residential development up to medium density; institutions of an educational or philanthropic nature; business and professional offices such as accountant, architect, attorney, contractor, doctor, dentist, engineer, insurance agent, real estate agency, finance company, bank, chiropractor, governmental agency and drive-in offices; beauty shops and barbershops; and rest and convalescent homes. The proposed Mixed Use Corridor provides development directions, expands uses allowed and creates design guidelines currently absent.

Mixed Use Center (MCE)
This classification identifies new mixed-use neighborhood centers in the new growth areas of the General Plan. This category provides for a variety of residential, office, neighborhood commercial and public uses. The Mixed Use Center designation is prescribed by the 2010 General Plan and applies to areas currently outside of the City limits but within the General Planning area.

B. Commercial and Industrial Districts

Commercial Districts:
The zoning ordinance in effect contains several commercial districts with indiscernible differences. These commercial districts are C-1 (Neighborhood Commercial), C-2 (General Commercial), R-C-P, (Residential-Commercial-Professional), C-S (Commercial Shopping) and C-M (Commercial Light Industrial). The C-1 zoning district permits residential, retail businesses, trade, commercial enterprise or professional and business office use, undertaken for the purpose of rendering neighborhood service. The C-2 zoning district allows all uses permitted in the C-1 zoning district and other non-industrial commercial or business uses. The R-C-P zoning district allows business and professional offices such as accountant, architect, attorney, contractor, doctor, dentist, engineer, insurance agent, real estate agency, finance company, bank, chiropractor, governmental agency and drive-in offices. This district is found along South Fairmont Avenue, and areas around Ham Lane, Pine Street, Vine Street, and Kettleman Lane. C-S zoning district is effectively used for community/regional shopping centers. Finally, the C-M district is a transitional district from the commercial districts to industrial districts. This C-M district is found along Sacramento Street in the Downtown area.

The proposed Development Code consolidates the commercial districts into three districts illustrated on table below.

EXISTING COMMERCIAL ZONES	PROPOSED COMMERCIAL ZONES	RELATIONSHIP TO THE GENERAL PLAN
C-1 (Neighborhood Commercial)	GC (General Commercial) District.	Neighborhood/Community Commercial
C-2 (General Commercial)		
C-M (Commercial Light Industrial)		
R-C-P, (Residential-Commercial-Professional)	O (Office)	Office
C-S (Commercial Shopping)	CC (Community Commercial) District	General Commercial

The Development Code proposes to merge the C-1, C-2 and C-M zoning districts into a single zoning designation to create GC (General Commercial) District. The C-M zoning district is the City's only transitional district from commercial to industrial. C-M zoning district applies areas abutting Sacramento Street in the Downtown area. Because the C-1 and C-2 zoning districts abut residential properties, and the C-M district is similar to the C-2 district, the uses permitted over the years on these districts are similar in nature. It no longer makes planning sense to maintain separate zoning districts with near identical requirements and zoning regulations.

The R-C-P zoning district is found along Kettleman Lane, Fairmont Avenue and Orange Avenue. This is the area where medical, dental, and other health-care oriented services are located. The Development Code proposes to re-designate the area as an Office use, which would permit medical and general offices. Finally, The CC district applies to the local and regional shopping centers. The Development Code proposes to re-designate the area with the same requirements in effect. The final product is a more user friendly document.

Industrial Districts:
Industrial uses vary from commercial uses in that industrial uses typically have increased noise, odor, dust, smoke, truck traffic, and other items that may be objectionable to adjacent uses. Additionally these uses tend to require less parking and have different hours of operation than commercial uses as they are focused on manufacturing products rather than selling to customers. There are two main purposes of the Industrial Zone: to provide an area of town where industrial uses can be clustered and to buffer

these uses from residential and commercial uses so there are no negative affects from the industrial operations.

The Industrial Zones in the City can be found east of State Highway 99 and along the UPPR line (Main Street). Lodi Municipal Code in effect features two classifications: M-1(Light Industrial) and M-2 (Heavy Industrial). M-1 zoning district permits light industrial/manufacturing uses such as food processing, packaging and storage; bottling plants; manufacturing and assembling of jewelry, watches, clocks, precision instruments, appliances; and other similar manufacturing uses. The M-2 zoning district permits all uses permitted in the commercial and M-1 zoning districts. Because of that fact the Code in effect allows uses permitted in the Light Industrial districts in the M-2 zoning district, all types of uses can be found across both zoning districts, including more commercial type uses in this Industrial Zone. For this reason, the 2010 General Plan and the Development Code merged the two industrial zoning districts into a single zoning district as illustrated below.

EXISTING COMMERCIAL ZONES	PROPOSED COMMERCIAL ZONES	RELATIONSHIP TO THE GENERAL PLAN
M-1 (Light Industrial)	M (Industrial) District.	Industrial (.6 FAR)
M-2 (Heavy Industrial)		
BP (Business Park)	BP (Business Park) District.	Business Park (1.0FAR)

The proposed Development Code creates BP (Business Park) Zoning District. This is consistent with the 2010 General Plan and applies to new growth areas of the General Plan. The General Plan identifies the new growth areas appropriate for planned, visually attractive centers for business that do not generate nuisances (noise, clutter, noxious emissions, etc.). This zone accommodates campus-like environments for corporate headquarters, research and development facilities, offices, light manufacturing and assembly, industrial processing, general service, incubator-research facilities and other similar uses that generate high employment possibilities.

C. Landscape, off-street parking, sign, and other specific land uses items

Landscape:
The current Municipal Code contains landscape requirements that are in conflict with State requirements. The California Water Conservation in Landscaping Act of 2006 (AB 1881) requires each city to adopt a Model Water Efficient Landscape Ordinance developed by the California Department of Water Resources (DWR) or the city's own local water efficient landscape ordinance that achieves the same goals or better. The City enforces the State's landscape ordinance, which applies to new constructions and/or rehabilitated landscapes with landscape areas greater than or equal to 1,000 square feet. The requirements for landscape plans include a landscape documentation package which consists of project information, a water efficient landscape worksheet, a soil management report, a landscape design plan, an irrigation design plan and a grading design plan, as part of the Design Review application. Prior to issuance of a Certificate of Occupancy, a certificate of completion and scheduling of irrigation and maintenance would be required. The worksheet includes calculation of a Maximum Applied Water Allowance and Estimated Total Water Use. The Estimated Total Water Use must be less than the Maximum Applied Water Allowance. These requirements include designation of hydrozones (areas containing plants with similar water needs) and address in detail soil, plants, water features, mulch, grading, irrigation systems, and irrigation schedules. Exceptions to the ordinance include: a) projects with landscape areas less than 1,000 square feet; b) registered historical sites; c) ecological restoration projects that do not require a permanent irrigation system; d) plant collections, as part of botanical gardens and arboretums open to the public; and e) cemeteries.

In addition to State requirements, staff has added language to address landscape requirements for all residential zoning districts. The existing zoning ordinance is silent whether or not residential front and street side yards should be landscaped and maintained. In stead, the existing ordinance stipulates that

"no person shall install or place asphalt, concrete or other similar material upon more than forty-five percent of any front or street side yard setback." This has lead to un-maintained and dirt front and street side yards. The Development Code addresses this issue by adding a section in the Development Code that regulate this issue.

Parking

A key initiative of the Development Code as it relates to parking standards is to modernize the City's parking requirements. The existing zoning code is restrictive where it needs not be and broad where it needs to be specific. For example, Industrial/warehouse/manufacturing uses are required to provide one space for each seven hundred fifty square feet of building, or two parking spaces for every three employees in the largest shift, whichever is greater. More often than not, parking provided exceeds demand or need. To address these types of issues, the Development Code revises some requirements, provides specific details where needed, and adds new standards where appropriate.

The Development Code does not propose major changes to the number of parking spaces required for new development by land use type. The Development Code proposes to list of the number of parking spaces required by land use category consistent with the new land use categories. Staff has compared the proposed parking requirements with the parking generation rates provided by ITE (Institute of Transportation Engineers). The ITE parking rates provide the industry standard because they are derived by surveying a number of uses based on various characteristics, such as, urban and suburban retail stores, retail parking on weekdays, Saturdays, Sundays, and the same in December. Overall the proposed standards are the same or very similar to the ITE rates.

Sign:

The Development Code does not propose major changes to the existing sign requirements. In its current form, the Sign Ordinance has been working well for the City and business community. However, it needs significant update to address the following issues:

Master sign program for large shopping centers: The existing Sign Ordinance does not speak to sign programs. In the past, the City has approved sign programs though the SPARC and Planning Commission review process. The most recent example of such a sign program relates to the Reynolds Ranch development. The proposed Development Code provides clear language and direction for sign programs. For example, a new nonresidential project with four or more tenants, or a major rehabilitation work on an existing nonresidential project with four or more tenants that involves exterior remodeling, would require a sign program.

Programmable electric signs: Electronic reader boards are currently allowed by the Zoning Ordinance under Section 17.63.080, which reads *"Flashing, moving or animated signs are subject to the issuance of a use permit, and no such permit shall be issued if the sign will tend to cause a traffic hazard."* Within this section, the City has allowed electronic signs in commercial properties. Staff continuously receives inquiries for electronic signs from churches, health-care related institutions and alike. Staff proposes minimum standards to safeguard life, health, property and public welfare, and to preserve the unique character of the town by regulating the size, height, design, quality of materials, construction, location, lighting and maintenance of electronic signs.

Definition of allowable and prohibited signs: The existing Sign Ordinance does not provide definitions of allowed and prohibited signs. The proposed Development Code identifies 13 different sign types which have been determined to be inconsistent with the purposes and standards of the Sign Chapter.

Maintenance requirements: The proposed Development Code contains language within the sign ordinance *(Section 17.36.100)* for nonconforming or abandoned Signs. The language has been added in an effort to create a clearer framework for nonconforming and abandoned signs. This section emphasizes the importance of achieving the eventual elimination of nonconforming signs within the City.

The previous development standard provided a conformance deadline but provided a number of different ways to maintain a sign's nonconforming status. The proposed Development Code clarifies the allowed continued uses of nonconforming signs and to minimize the occasions whereby they remain over the long-term. A significant portion of the proposed development standards are carried over from the previous standards; however, they are presented in a text format, rather than in a table and the mechanisms to preserve a nonconforming sign have been limited.

Standards for Specific Land Uses:
This section provides site planning and development standards for various land uses that are allowed in individual or multiple zoning districts, and for activities that require special standards to mitigate potential impacts. The regulations contained involve:

* Child Day Care Facilities
* Residential Density Bonus
* Outdoor Storage
* Recycling Facilities
* Telecommunications Facilities
* Home Occupations
* Recycling Facilities
* Recreational Vehicle Parks
* Mobile Home Parks
* Recreational Vehicle Parks

A focal point of this code is the introduction of residential density bonus program. State law (Government Code 6591 5) requires every city and county in California to offer density bonuses to senior housing projects and developments meeting certain affordability criteria. The State has established a "sliding scale" which awards density bonuses based on the percentage of units in a proposed development that are affordable, and the income group served. For example, a new apartment building in which 10 percent of the units are "set aside" for low income households (e.g., rented at rates deemed affordable to low income households) would be eligible for a 20 percent density bonus. If that same project set aside 20 percent of the units for low income households, the density bonus would increase to 35 percent. Under State law, cities must offer density bonuses up to at least 35 percent.

In addition, the State Density Bonus law also requires that other incentives be offered in tandem with the added density. For example, projects may be eligible for reduced setbacks, added height, expedited permitting, and similar concessions which make the project more feasible. The number of incentives depends on the depth of affordability and the number of affordable units to be built. State law also includes provisions for density bonuses if a housing development includes an onsite child care facility.

The City does not currently have an inclusionary housing requirement or housing density bonus program. The proposed Residential Density Bonus program responds to a State mandate to allow more density than would ordinarily be allowable for certain types of housing (e.g., senior housing and affordable housing). It includes requirements for Affordable Housing Agreements which specify the terms of occupancy, limits on resale (for for-sale units), the number of years during which the unit must remain affordable, and the eligibility requirements. The purpose of adopting such a program is twofold; first, it the City hopes to encourage affordable housing by providing the incentive of increased density and such other Incentives and, second, to comply with state requirements for allowing incentives for creating affordable and senior housing projects.

The other part of this section of the Code relates to large residential and day care facilities, which are largely governed by State laws with limited local control. The State has found that it has the responsibility to ensure the health and safety of children in family homes that provide day care. It has also found that there is a shortage of regulated family day care homes in California and, with the increase in working parents, a growing need for such facilities. Local jurisdictions are required by State law (Health and Safety Code section 1597.46) to grant use permits for large family day care homes “if the large family childcare home complies with local ordinances, if any, prescribing reasonable standards, restrictions, and requirements.” The Development Code established local control via Use Permit to ensure site suitability and distance from other similar establishments. The remaining topics raised within this Chapter mirror the existing Municipal Code.

ENVIRONMENTAL ASSESSMENTS
In accordance with provisions of the CEQA Guidelines, a Negative Declaration (ND) was prepared for adoption of the proposed Development Code. The Negative Declaration tiers off of the 2010 General Plan Final Environmental Impact Report (FEIR) that was certified by the City Council in April 2010. Together, the ND and the 2010 General Plan FEIR constitute the environmental record for the proposed Land Use and Development Code and Zoning Map Update. The ND is included as Attachment 3. The ND was made available for public review from Wednesday, September 19, 2012 to Monday, October 8, 2012. A notice of availability was published in the newspaper, posted on the City's web page, posted at the library and City Hall. A copy of the ND was made available on the City's web page, at the public counter and at the public library. Since the comment period ends after the distribution of the staff report, staff will provide the Planning Commission with a list of any comments received as well as responses to those comments at the public hearing.

PLANNING COMMISSION ACTIONS:
After the Commission completes its review of the proposed Draft Development Code, staff recommends that attached draft resolution be adopted recommending that the City Council approve the Draft Development Code, Draft Zoning Map and Negative Declaration. Any additional changes requested by the Commission would be included in the motion to approve the resolution.

PUBLIC HEARING NOTICE:

ALTERNATIVE PLANNING COMMISSION ACTIONS:
- Approve the request with attached or alternate conditions
- Deny the request
- Continue the request

Respectfully Submitted,

Immanuel Bereket
Associate Planner

Concur,

Konradt Bartlam
Community Development Director

ATTACHMENTS:
1. Draft Land Use and Development Code
2. Draft Zoning Map
3. Negative Declaration
4. Draft Planning Commission Resolution

PLANNING COMMISSION RESOLUTION NO. 12-22

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI RECOMMENDING TO THE CITY COUNCIL ADOPTION OF AN ORDINANCE APPROVING THE LAND USE AND DEVELOPMENT CODE, ZONING MAP AND TO CERTIFY THE NEGATIVE DECLARATION

WHEREAS, California Government Code section 65300 mandates that cities shall adopt a comprehensive, long-term general plan for the physical development of the City, and of any land outside its boundaries which in the City's judgment bears a relation to its planning; and

WHEREAS, on January 20, 2009, the City Council of the City of Lodi adopted a 2010 General Plan which contains an Implementation Program discussing the need to update the Zoning Ordinance to reflect the 2010 General Plan; and

WHEREAS, the City Council initiated the comprehensive update to the City's Development Code September 7, 2011 and entered into a Professional Services Agreement with Raney Planning and Management, Inc., (Consultant) of Sacramento to facilitate a comprehensive updating of the current Zoning Ordinance, pursuant to Resolution No. 2011-188; and

WHEREAS, City Staff and the Consultant have been working diligently since that time to complete the update of the General Plan; and

WHEREAS, the City of Lodi has prepared a draft Development Code, which was released for public review on July 11, 2012; and

WHEREAS, City staff presented the draft Development Code to the Commission on three different public hearing occasions (July 11, August 8, and September 12, 2012) to review the Draft Land Use and Development Code and accept public comments and input; and

WHEREAS, the General Plan Update effort has involved an extensive public participation, including stakeholder meetings, preparation and circulation of the draft document, numerous meetings with individual parties and groups, a project web-site, and three duly noticed public hearings where members of the public made comments and provided directions; and

WHEREAS, the Land Use and Development Code Update reflects the input of residents, stakeholders, and public officials, and implements the General Plan's visions and desire for the community, is adopted in the public's interest, and is otherwise consistent with federal and state law; and

WHEREAS, pursuant to the California Environmental Quality Act, a Negative Declaration was prepared that tiers off of the 2010 General Plan Final Environmental Impact Report (FEIR) that was certified by the City Council in April 2010. Together, the Negative Declaration and the 2010 General Plan FEIR constitutes the environmental record for the proposed Land Use and Development Code and Zoning Map Update. The City Council has considered the Negative Declaration prepared for the Land Use and Development Code Update; and

The Negative Declaration was available for public review from Wednesday, September 19, 2012 to Monday, October 8, 2012. A notice of availability was published in the newspaper, posted on the City's web page, and mailed to public agencies. A copy of the Negative Declaration was made available on the City's web page, at the public counter and at the public library.

WHEREAS, this Planning Commission has reviewed the proposed policy changes set forth in the draft Development Code; and

WHEREAS, on Wednesday, October 10, 2012 this Planning Commission held a duly and properly noticed public hearing on the proposed Development Code; and

WHEREAS, this Planning Commission had considered the report prepared by Staff, all public comments, the policies set forth in the proposed Development Code, reviewed the proposed Negative Declaration.

WHEREAS, all legal prerequisites to the approval of this request have occurred.

NOW, THEREFORE, BE IT FOUND that the Planning Commission of the City of Lodi hereby incorporates the staff report and attachments, project file, testimony presented at the time of the hearing, and written comments, on this matter, and make the following findings:

1. The proposed Development Code is consistent with all of the applicable objectives, policies, general land uses, programs, and actions of all applicable elements of the General Plan.
2. The proposed Development Code will not be detrimental to the public convenience, health, safety, or general welfare of the City.
3. The proposed Development Code is internally consistent with other applicable provisions of the policies.
4. The Planning Commission hereby finds that adopting the Development Code will enhance the economic opportunities and be consistent with the 2010 General Plan.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED as follows:

1. The foregoing recitals are true and correct and incorporated herein by reference.
2. Based on the foregoing, the Planning Commission hereby recommends that the City Council adopt a Resolution approving a Development Code, amend the Zoning Map and Certify the Negative Declaration as an adequate environmental documentation.
3. This Planning Commission recommends that the City Council adopt the proposed Development Code and Zoning Map, attached to this Resolution as Exhibit A.

Dated: October 10, 2012

I hereby certify that Resolution No. 12-22 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on Wednesday, October 10, 2012, by the following vote:

AYES:	Commissioners:	Cummins, Heinitz, Kiser, Jones, Olson and Chair Kirsten.
NOES:	Commissioners:	None
ABSENT:	Commissioners:	Hennecke

ATTEST:_____
Secretary, Planning Commission

Attachment: Exhibit A

LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, OCTOBER 10, 2012

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of October 10, 2012, was called to order by Chair Kirsten at 7:00 p.m.

Present: Planning Commissioners – Cummins, Heinitz, Jones, Kiser, Olson and Chair Kirsten

Absent: Planning Commissioners – Hennecke

Also Present: Community Development Director Konradt Bartlam, Associate Planner Immanuel Bereket, Deputy City Attorney Janice Magdich, and Administrative Secretary Kari Chadwick

2. MINUTES

"September 12, 2012"

MOTION / VOTE:

No Motion made because there was not a quorum of Commissioners in attendance to make the motion. Item continued to the next meeting.

3. PUBLIC HEARINGS

a) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Kirsten called for the public hearing to consider the request for Planning Commission approval of a Use Permit to allow a Type-41 on-sale beer and wine license at King Tsin restaurant located at 1040 West Kettleman Lane Suite 1-A. (Applicant: Teresa Ju; File Number: 12-U-15)

Associate Planner Bereket gave a brief PowerPoint presentation based on the staff report. Staff recommends approval of project.

Hearing Opened to the Public

- Teresa Ju, applicant, came forward to answer any questions.
- Commissioner Heinitz asked if everything was going to be the same on the menu. Ms. Ju stated that the menu will remain the same.

Public Portion of Hearing Closed

MOTION / VOTE:
The Planning Commission, on motion of Commissioner Kiser, Heinitz second, approved the request for a Use Permit to allow a Type-41 on-sale beer and wine license at King Tsin restaurant located at 1040 West Kettleman Lane Suite 1-A subject to the conditions in the resolution. The motion carried by the following vote:

Ayes:	Commissioners –	Cummins, Heinitz, Jones, Kiser, Olson and Chair Kirsten
Noes:	Commissioners –	None
Absent:	Commissioners -	Hennecke

Chair Kirsten recused himself from item 3b) because he has property interest with in 300 feet of the proposed project. Vice Chair Jones moved to the Chair's seat.

b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Vice Chair Jones called for the public hearing to consider

the request of the Planning Commission for approval of a Use Permit to allow a Type-41 On-Sale Beer and Wine Alcoholic Beverage Control License located at 121 South School Street, Suite A (applicant: Scott Porter; File Number: 12-U-16)

Associate Planner Bereket gave a brief PowerPoint presentation based on the staff report. Staff recommends approval of the project.

Hearing Opened to the Public

- Scott Porter, applicant, came forward to answer questions.
- Commissioner Kiser asked if this was his first time running a business. Mr. Porter stated that it will be his first business venture.
- Commissioner Heinitz asked Mr. Porter if he was aware that he would have to do ABC training. Mr. Porter stated that he was aware. Heinitz asked the age of the future employees. Mr. Porter stated the age will be 21 years and older if that is what is required by ABC.

Public Portion of Hearing Closed

MOTION / VOTE:
The Planning Commission, on motion of Commissioner Cummins, Olson second, approved the request for a Use Permit to allow a Type-41 On-Sale Beer and Wine Alcoholic Beverage Control License located at 121 South School Street, Suite A subject to the conditions in the resolution. The motion carried by the following vote:

Ayes:	Commissioners –	Cummins, Heinitz, Kiser, Olson and Vice Chair Jones
Noes:	Commissioners –	None
Absent:	Commissioners -	Hennecke and Chair Kirsten

Chair Kirsten rejoined the Commission.

c) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Kirsten called for the public hearing to consider the request of the Planning Commission to Recommend to the City Council for approval of the Draft Lodi Land Use and Development Code, Draft Zoning Map, and to certify the Negative Declaration

Community Development Director Konradt Bartlam gave a brief PowerPoint presentation based on the staff report. Staff recommends approval of the project and requests the Planning Commission make the recommendation to the City Council for approval.

Commissioner Heinitz asked who is going to monitor the rules and regulations under the new design guidelines for residential. Director Bartlam stated that the guidelines are suggestive unlike standards that are required. Heinitz asked about the agricultural buffer along the west side of Lodi. Bartlam stated that the zoning map does not show that, the Planned Development map for that area shows those particulars.

Chair Kirsten asked about the North West area of town getting a cell tower in a residential neighborhood. Director Bartlam stated that the code does not allow for cell towers in the residential designations, but there are several properties that could accommodate a tower in the subject area.

Hearing Opened to the Public

- None

Public Portion of Hearing Closed

MOTION / VOTE:
The Planning Commission, on motion of Commissioner Kiser, Jones second, approved the request to Recommend to the City Council approval of the Draft Lodi Land Use and Development Code, Draft Zoning Map, and to certify the Negative Declaration subject to the conditions in the resolution. The motion carried by the following vote:

Ayes:	Commissioners –	Cummins, Heinitz, Jones, Kiser, Olson and Chair Kirsten
Noes:	Commissioners –	None
Absent:	Commissioners -	Hennecke

4. PLANNING MATTERS/FOLLOW-UP ITEMS

None

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

Director Bartlam stated that there has been a memo provided in the packet and staff is available to answer any questions. Mr. Bartlam added that at the Council meeting last week, October 3, 2012, the Council Voted to give Mr. Giannoni nine Growth Management Allocations rather than the twelve he was asking for.

7. DEVELOPMENT CODE UPDATE

None

8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

9. ART IN PUBLIC PLACES

None

10. COMMENTS BY THE PUBLIC

None

11. COMMENTS BY STAFF AND COMMISSIONERS

None

12. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:27 p.m.

ATTEST:

Konradt Bartlam
Planning Commission Secretary

RESOLUTION NO. 2013-11

A RESOLUTION OF THE LODI CITY COUNCIL CERTIFYING THE FINAL NEGATIVE DECLARATION AS ADEQUATE ENVIRONMENTAL DOCUMENTATION FOR THE LODI LAND USE DEVELOPMENT CODE AND ZONING MAP

==========

WHEREAS, the Land Use and Development Code Update reflects the input of residents, stakeholders, and public officials, implements the General Plan's visions and desire for the community, is adopted in the public's interest, and is otherwise consistent with federal and state law; and

WHEREAS, pursuant to the California Environmental Quality Act, a Negative Declaration was prepared that tiers off of the 2010 General Plan Final Environmental Impact Report (FEIR) that was certified by the City Council in April 2010. Together, the Negative Declaration and the 2010 General Plan FEIR constitutes the environmental record for the proposed Land Use and Development Code and Zoning Map Update. The City Council has considered the Negative Declaration prepared for the Land Use and Development Code Update; and

WHEREAS, the City Council finds that the foregoing recitals and findings are true and correct and adopts this Resolution based on the entirety of the record, which includes without limitation, FEIR, the Land Use and Development Code Update Negative Declaration; zoning map; all reports, testimony, and transcripts from Planning Commission's October 10, 2012 meeting; and reports, testimony, and transcripts from the City Council's February 6, 2013, meeting; and

WHEREAS, the City Council has considered the staff report, all public comments, and the proposed Negative Declaration, as set forth in this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lodi that the foregoing recitals are true and correct and incorporated herein by reference; and

BE IT FURTHER RESOLVED that the Lodi City Council does hereby certify the Final Negative Declaration as adequate environmental documentation for the Lodi Land Use Development Code and Zoning Map.

Dated: February 6, 2013

==========

I hereby certify that Resolution No. 2013-11 was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 6, 2013, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Johnson, Katzakian, Mounce, and Mayor Nakanishi

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

RANDI JOHL
City Clerk

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI REPEALING LODI MUNICIPAL CODE TITLE 16 – "SUBDIVISIONS" IN ITS ENTIRETY; AND FURTHER REPEALING AND RE-ENACTING LODI MUNICIPAL CODE TITLE 17 – "ZONING" IN ITS ENTIRETY

==========

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Lodi Municipal Code Title 16 – Subdivisions – is hereby repealed in its entirety.

SECTION 2. Lodi Municipal Code Title 17 – Zoning – is hereby repealed and reenacted in its entirety and shall read as follows:

SEE EXHIBIT A ATTACHED.

SECTION 3. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 4. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care toward persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 5. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 6. This ordinance shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect 30 days from and after its passage and approval.

Approved this ____ day of _____, 2013

_____
ALAN NAKANISHI
Mayor

Attest:

RANDI JOHL
City Clerk

==========

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. ____ was introduced at a regular meeting of the City Council of the City of Lodi held February 6, 2013, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held _____, 2013, by the following vote:

AYES: COUNCIL MEMBERS –

NOES; COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. ____ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

RANDI JOHL
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER
City Attorney

EXHIBIT A

City of Lodi

Development Code

September 2012

City of Lodi
Community Development Department
221 West Pine Street
Lodi, California 95241

City of Lodi Development Code Update
Public Hearing

February 6, 2013

City Council

Background Information:

- **Development Code Update Process:**
  - Began 1999
  - Delayed twice due to budgeting, staffing, etc.
- **Restart:**
  - Raney Planning and Management, Inc.
  - December 2011
- **Released to the Public:**
  - On July 11, 2012, Draft Land Use and Development Code
- **Three Planning Commission Sessions:**
  - July 11, August 8, and September 12, 2012

Background Information:

- **Planning Commission Public Hearing**
  - October 10, 2013
  - Recommended adoption

- **City Council Actions:**
  - Review Draft Development Code
  - Review Draft Zoning Map
  - Negative Declaration

Zoning Basics:

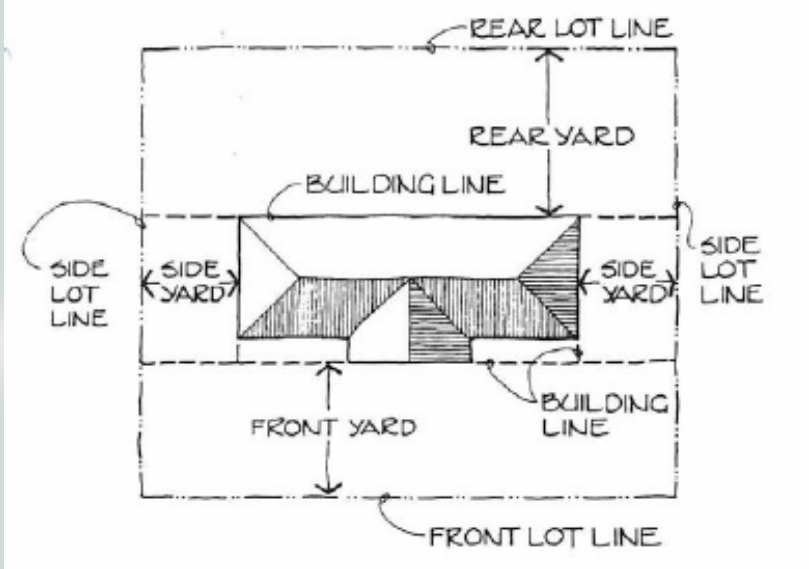
- Zoning divides the City into sections reserved for different land uses such as:
  - Residential
  - Mixed Use
  - Commercial
  - Industrial

Why is Zoning Important?

- Tells what uses can go where in the City
- Provides predictability for residents and property owners
- Keeps incompatible uses away from each other

What does Zoning Regulate?

- Use: residential, commercial, industrial
- Building size, height, and setback
- Site Planning: parking, landscaping, screening, fencing



Goals:

- Ensure consistency with newly adopted General Plan
- Comply with Federal and State law
- Incorporate existing code interpretations
- Improve code organization and usability
- Close loopholes and correct unclear language

Document Organization:

Article 1	Purpose and Applicability of Development Code
Article 2	Land Use and Development Standards
Article 3	Site Planning and General Development Standards
Article 4	Land Use and Development Permits
Article 5	Subdivisions
Article 6	Development Code Administration
Article 7	Definitions

Major Key Changes:

- **Technical:**
  - Utilized consistent capitalization, punctuation and structure
  - Re-phrased language to improve consistency of text for legal purposes
  - Eliminated “loopholes” and ambiguity
  - Reorganization of document, new table structure and text formatting
- **Consistency:**
  - Made text changes to ensure internal consistency
  - Updated for consistency to Federal and State Law
  - New development standards
- **Policy Implementation:**
  - New Chapters or sections
    - Mixed Use Zoning Districts, Business Park District, etc

New Zoning District and Allowable Uses:

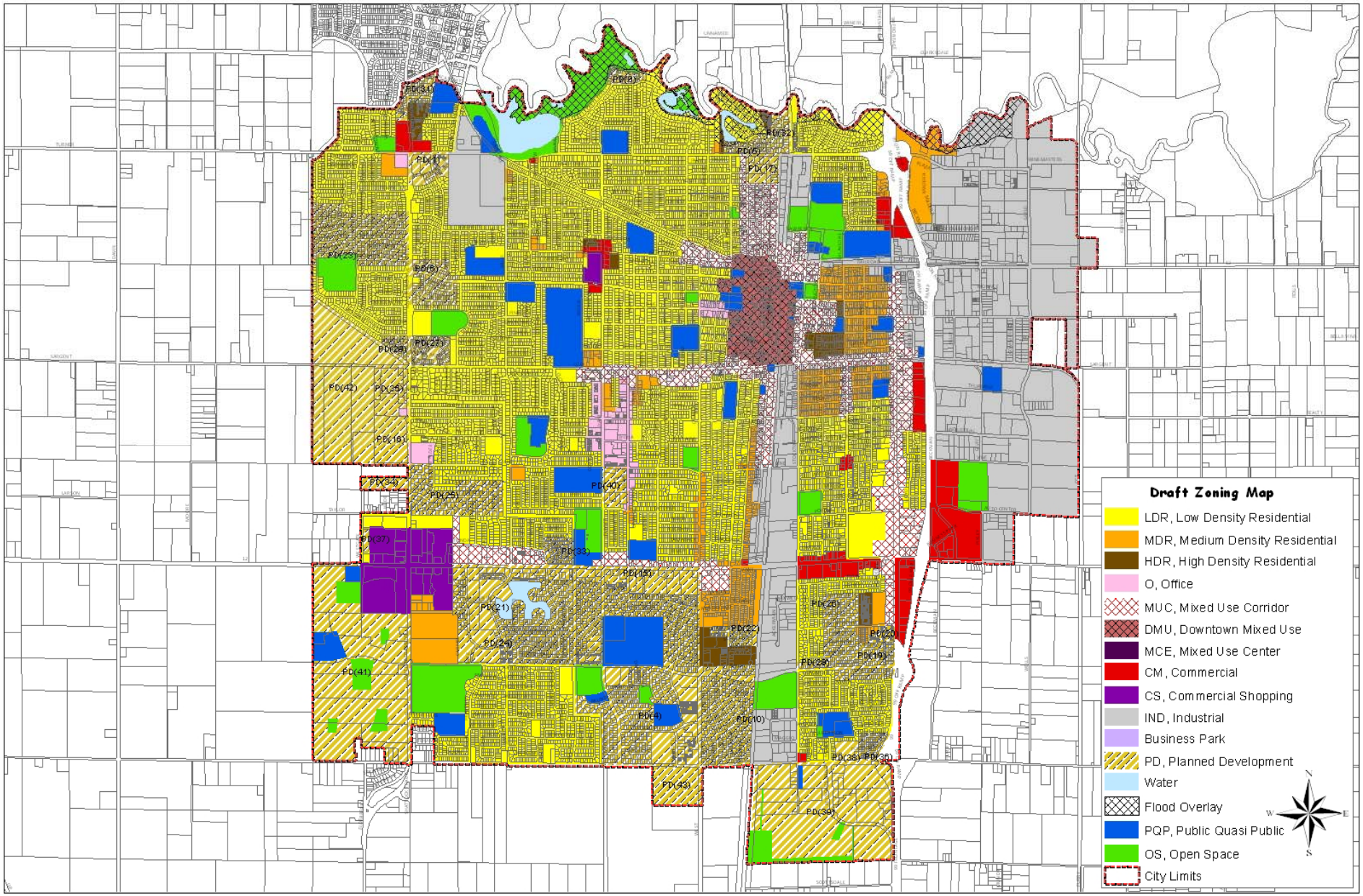
- **New Zoning Districts:**
  - New Zoning Districts established to provide consistency with General Plan:
    - Mixed Use Center
    - Mixed Use Corridor
    - Downtown Mixed Use
    - Business Park

Consolidation of Zoning District:

- New Zoning Districts consolidated to simplify the Code:
  - R-1, R-2, RE-1, LDR = Low Density Residential
  - RG-A, MDR = Medium Density Residential
  - C-1, C-2 = Commercial
  - M-1, M-2 = Industrial

Zoning Map

- Updated to be consistent with
  - General Plan Land Use Map;
  - New Zoning Districts;


Draft Zoning Map
LDR, Low Density Residential
MDR, Medium Density Residential
HDR, High Density Residential
O, Office
MUC, Mixed Use Corridor
DMU, Downtown Mixed Use
MCE, Mixed Use Center
CM, Commercial
CS, Commercial Shopping
IND, Industrial
Business Park
PD, Planned Development
Water
Flood Overlay
PQP, Public Quasi Public
OS, Open Space
City Limits
N
W
E
S

Actions:

- Conduct the Public Hearing;
- Certify the draft Negative Declaration;
- Amend the Zoning Map;
- Adopt the Development Code.

Please immediately confirm receipt of this fax by calling 333-6702

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

SUBJECT: **PUBLIC HEARING TO CONSIDER CERTIFICATION OF THE FINAL NEGATIVE DECLARATION AND ADOPTION OF THE LODI LAND USE DEVELOPMENT CODE AND DRAFT ZONING MAP**

PUBLISH DATE: **SATURDAY, DECEMBER 29, 2012**

LEGAL AD

TEAR SHEETS WANTED: **One (1) please**

SEND AFFIDAVIT AND BILL TO:
LNS ACCT. #0510052

RANDI JOHL, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: WEDNESDAY, DECEMBER 26, 2012

ORDERED BY: RANDI JOHL
CITY CLERK

Jennifer M. Robison

JENNIFER M. ROBISON, CMC
ASSISTANT CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

Faxed to the Sentinel at 369-1084 at _____(time) on _____(date) _____(pages)
LNS _____ Phoned to confirm receipt of all pages at _____(time) ____JMR ____MB (initials)

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DECLARATION OF POSTING

PUBLIC HEARING TO CONSIDER CERTIFICATION OF THE FINAL NEGATIVE DECLARATION AND ADOPTION OF THE LODI LAND USE DEVELOPMENT CODE AND DRAFT ZONING MAP

On Thursday, December 27, 2012, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing to consider certification of the Final Negative Declaration and adoption of the Lodi Land Use Development Code and Draft Zoning Map (attached and marked as Exhibit A) was posted at the following locations:

Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 27, 2012, at Lodi, California.

ORDERED BY:

RANDI JOHL
CITY CLERK

Jennifer M. Robison

JENNIFER M. ROBISON, CMC
ASSISTANT CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK

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CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING
Date: February 6, 2013
Time: 7:00 p.m.

For information regarding this notice please contact:
Randi Johl
City Clerk
Telephone: (209) 333-6702

EXHIBIT A

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, February 6, 2013**, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following item:

a) Certification of the Final Negative Declaration and adoption of the Lodi Land Use Development Code and Draft Zoning Map.

Information regarding this item may be obtained in the Community Development Department, 221 West Pine Street, Lodi, (209) 333-6711. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk, City Hall, 221 West Pine Street, 2nd Floor, Lodi, 95240, at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the close of the public hearing.

By Order of the Lodi City Council:

Randi Johl
City Clerk

Dated: December 19, 2012

Approved as to form:

D. Stephen Schwabauer
City Attorney

e-Notification sent by Kari Chadwick

Distribution List Name: Development Code

Members:

Angelic and John Henninger	Hitnhard81@att.net
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