
ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF LODI AMENDING LODI MUNICIPAL CODE TITLE 15 – BUILDING AND CONSTRUCTION
– CHAPTER 15.25. (HISTORICAL BUILDING CODE), LODI MUNICIPAL CODE TITLE 17 –
DEVELOPMENT CODE – SECTIONS 17.18.40 (RESIDENTIAL ZONING DISTRICT GENERAL
DEVELOPMENT STANDARDS), 17.20.030 (COMMERCIAL ZONING DISTRICT LAND USES
AND PERMIT REQUIREMENTS), 17.22.030 (MIXED USE ZONING DISTRICTS LAND USES
AND PERMIT REQUIREMENTS), 17.24.030 (INDUSTRIAL ZONING DISTRICT LAND USES
AND PERMIT REQUIREMENTS), 17.32.040 (NUMBER OF PARKING SPACES REQUIRED),
17.36.130 (ACCESSORY DWELLING UNITS), 17.36.220 (TOBACCO RETAILER
ESTABLISHMENTS), 17.36.230 (ALCOHOLIC BEVERAGE SALES), 17.36.240 (PROBLEM
USES), 17.40.020 (SITE PLAN AND ARCHITECTURAL APPROVAL), 17.40.050 (VARIANCES
AND ADMINISTRATIVE DEVIATIONS), 17.78.020 (DEFINITIONS OF SPECIALIZED TERMS
AND PHRASES)

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Lodi Municipal Code Title 15 – Building and Construction Code – Chapter 15.25
“Historical Building Code”, is hereby amended as follows:

15.25.010 Reference to chapter.

This chapter 15.25 of the Lodi Municipal Code may be referred to as the "City Historical Building Code," and is adopted pursuant to Government Code section 50022.2. For purpose of clarity, the term "Code," when used alone, shall refer to the Lodi Municipal Code.

15.25.020 Purpose of chapter.

The purpose of this chapter is to: provide regulations for the preservation, restoration, rehabilitation, relocation, or reconstruction of buildings or structures designated as qualified historical buildings or properties; provide alternative solutions for the preservation of qualified historical buildings or properties, to provide access for persons with disabilities, to provide a cost-effective approach to preservation, and to provide for the reasonable safety of the occupants or users. The purpose of this chapter is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of this chapter.

15.25.030 Adoption by reference of the California Historical Building Code.

The City hereby adopts by reference the code entitled "2022 California Historical Building Code" including all appendices attached thereto and copyrighted by the California Building Standards Commission (hereinafter "California Historical Building Code"), as amended by this chapter. The California Historical Building Code is on file with the City Clerk and is available for inspection and copying in accordance with Government Code section 50022.6.

15.25.040 Penalty provisions.

Violations of this chapter shall be enforced by the City in accordance with Lodi Municipal Code section 15.28.140.

SECTION 2. Lodi Municipal Code Title 17 – Development Code – Article 2 “Zoning Districts Land Use and Development Standards”, Chapter 17.18.40 “Residential zoning district general development standards”, is hereby amended as follows:

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	<i>Minimum area, width, and depth required for new parcels.</i>		
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	<i>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.</i>		
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 1 st unit plus	5,000 sq. ft. for 1 st unit plus

		2,000 sq. ft. for each additional unit	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	<i>Minimum and, where noted, maximum setbacks required. See Section 17.14.060 for exceptions to these requirements.</i>		
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.	<u>3 stories; not to exceed 45 ft.</u>	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) Five feet for porch.

SECTION 3. Lodi Municipal Code Title 17 – Development Code – Article 2 “Zoning Districts Land Use and Development Standards”, Chapter 17.20 “Commercial Zoning Districts”, Section 17.20.030 “Commercial zoning district land uses and permit requirements”, is hereby amended as follows:

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.

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	UP	UP	UP		
RECREATION, EDUCATION, AND PUBLIC ASSEMBLY USES					
Clubs, lodges, and membership halls	—	A	UP		
Community centers	A	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.	MUP	MUP	MUP		

RESIDENTIAL USES				
Caretaker quarters	—	—	UP	
Residential shelters	—	A	—	
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	—	UP	—	17.36.180
Building material stores	A	A	—	
Construction/heavy equipment sales and rental	—	A	—	
Convenience stores	UP	UP	UP	
Drive-in and drive-through sales and services	MUP	MUP	MUP	17.32.080
Food truck park – food truck pod or hub	MUP	MUP	—	17.36.200
Food truck park – food truck plaza	UP	UP	—	17.36.200
Food truck park/commissary co-location		UP	—	17.36.200
Furniture, furnishings and appliance stores	A	A	—	
Gas stations	UP	UP	—	17.36.210
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	
<u>Tobacco retailer establishments</u>	<u>=</u>	<u>UP</u>	<u>=</u>	<u>17.36.220</u>
Warehouse retail	UP	A	—	
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				
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)	—	—	UP	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 and funeral homes	—	UP	UP	
Personal services	A	A	A	
Pharmacies	A	A	—	
Research and development	—	—	A	
Storage—Indoor	—	UP	—	17.36.190
Upholstering shops	—	MUP	—	
Veterinary clinics, outpatient treatment only	A	A	A	
Veterinary clinics, animal hospitals, kennels	UP	UP	—	
INDUSTRIAL, MANUFACTURING AND PROCESSING, WHOLESALING				
Recycling facilities				
Small collection facility	MUP	MUP	—	17.36.110
Large collection facility	—	—	—	17.36.110
TRANSPORTATION, COMMUNICATIONS AND INFRASTRUCTURE USES				
Broadcast studios	UP	UP	UP	
Parking facilities/vehicle storage	—	—	—	17.36.170
Telecommunications facilities	UP	UP	—	17.36.140
Utility facility	UP	UP	UP	

SECTION 4. Lodi Municipal Code Title 17 – Development Code – Article 2 “Zoning Districts Land Use and Development Standards”, Chapter 17.22 “Mixed Use Zoning Districts”, Section 17.22.030 “Mixed use zoning district land uses and permit requirements”, is hereby amended as follows:

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).

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 BY DISTRICT			Specific Use Regulations
	DMU	MCE	MCO	
AGRICULTURE AND OPEN SPACE				
Production of Crops	—	—	UP	
RECREATION, EDUCATION, AND PUBLIC ASSEMBLY USES				
Clubs, lodges, and 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	A	UP	A	
Religious facilities	—	—	UP	
Schools—Private	—	UP	UP	
Schools—Specialized education and training	A	A	A	
Studios—Art, dance, martial arts, music, etc.	MUP	MUP	MUP	
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 ¹	—	—	UP	
Two family dwellings (Duplex)	—	—	A	
RETAIL TRADE				
Accessory retail uses	A	A	A	
Alcoholic beverage sales, off-site	UP	UP	UP	<u>17.36.230</u>
Alcoholic beverage sales, on-site	UP	UP	UP	<u>17.36.230</u>
Animal sales and grooming	A	A	A	
Art, antique, collectible, and gift stores	A	A	A	
Auto parts sales	MUP	A	A	
Auto sales and rental	—	—	UP	17.36.180
Building material stores	A	A	A	
Construction/heavy equipment sales and rental	—	—	A	
Convenience stores	UP	UP	UP	
Drive-in and drive-through sales and services	—	<u>MUP—</u>	MUP	17.32.080
Food truck park – food truck pod or hub	—	—	MUP	17.36.200
Food truck park – food truck plaza	—	—	UP	17.36.200
Food truck park/commissary co-location	—	—	UP	17.36.200
Furniture, furnishings and appliance stores	A	A	A	
Gas stations	—	—	UP	17.36.210

General retail sales	A	A	A	
Grocery stores	A	A	A	
Mobile home and RV sales	—	—	UP	
Night clubs, bars, and cardrooms	UP	UP	UP	
Plant nurseries and garden supply stores	—	—	A	
Restaurants	A	A	A	
<u>Tobacco retailer establishments</u>	<u>UP</u>	<u>UP</u>	<u>UP</u>	<u>17.36.220</u>
Warehouse retail	—	—	UP	
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 ²	A	A	A	
Professional Services	A	A	A	
SERVICES				
Auto repair and maintenance	—	—	UP	
Car wash	—	—	UP	
Community care facilities				
Residential care facility (6 or fewer)	—	—	UP	17.36.040
Day care center	UP	UP	UP	17.36.030
Hotels and motels	UP	UP	UP	

Mortuaries and funeral homes	UP	—	UP	
Personal services	A	A	A	
Pharmacies	UP	A	A	
Storage—Indoor	—	—	UP	17.36.190
Upholstering shops	—	—	UP	
Veterinary clinics, outpatient treatment only	—	—	A	
Veterinary clinics, animal hospitals, kennels	—	—	UP	
INDUSTRIAL, MANUFACTURING AND PROCESSING, WHOLESALING				
Recycling facilities				
Small collection facility	—	—	MUP	17.36.110
TRANSPORTATION, COMMUNICATIONS AND INFRASTRUCTURE USES				
Broadcast studios	UP	UP	UP	
Parking facilities/vehicle storage	—	—	—	17.36.170

Notes:

- (1) Structures in the MCO district that were permitted as single-family residential dwellings at the time of their construction and that were in existence as of January 1, 2020, are considered legal residential uses. Such structures may be converted to other uses allowed in the MCO zoning district, and converted back to single-family residential uses, after January 1, 2020.
- (2) Upper floors only in DMU district fronting School Street (Section 17.22.050).

SECTION 5. Lodi Municipal Code Title 17 – Development Code – Article 2 “Zoning Districts Land Use and Development Standards”, Chapter 17.24 “Industrial Zoning Districts”, Section 17.24.030 “Industrial zoning district land uses and permit requirements”, is hereby amended as follows:

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.

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 BY TDISTRICT		Specific Use Regulations
	M	BP	
AGRICULTURE AND OPEN SPACE			
Production of crops	A	A	
RECREATION, EDUCATION, AND PUBLIC ASSEMBLY USES			
City offices	A	A	
Clubs, lodges, and membership halls	A	—	
Health/fitness facilities	—	A	
Indoor sports facilities	—	A	
Outdoor recreation facilities	UP	UP	
<u>Religious facilities</u>	<u>UP</u>	<u>=</u>	
Schools—Specialized education and training	A	A	
Studios—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, off-site	UP	UP	<u>17.36.230</u>

Alcoholic beverage sales, on-site	UP	UP	<u>17.36.230</u>
Auto parts sales	A	—	
Auto sales and rental	A	A	17.36.180
Building material stores	A	—	
Construction/heavy equipment sales and rental	A	A	
Convenience stores	—	UP	
Drive-in and drive-through sales and services	MUP	MUP	17.32.080
Food truck park – food truck pod or hub	MUP	MUP	17.36.200
Food truck park – food truck plaza	UP	UP	17.36.200
Food truck park/commissary co-location	UP	UP	17.36.200
Gas stations	A	UP	17.36.210
Mobile home and RV sales	A	A	
Plant nurseries and garden supply stores	A	—	
Restaurants	A	A	
<u>Tobacco retailer establishments</u>	<u>UP</u>	<u>=</u>	<u>17.36.220</u>
SERVICES—BUSINESS, FINANCIAL, PROFESSIONAL			
Automated teller machines (ATMs)	A	A	
Banks and financial services	A	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	—	17.36.190
Upholstering shops	A	—	
Veterinary clinics, outpatient treatment only	A	—	
Veterinary clinics, animal hospitals, kennels	A	—	
INDUSTRIAL, MANUFACTURING AND 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	
TRANSPORTATION, COMMUNICATIONS AND INFRASTRUCTURE USES			
Broadcast studios	A	UP	
Parking facilities/vehicle storage	A	—	17.36.170
Telecommunications facilities	MUP	—	17.36.140
Truck and freight terminals	A	—	
Utility facility	UP	—	

SECTION 6. Lodi Municipal Code Title 17 – Development Code – Article 3 “Site Planning and General Development Standards”, Chapter 17.32 “Parking and Loading”, Section 17.32.040 “Number of parking spaces required”, is hereby amended as follows:

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. one space per one thousand square feet), 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 twenty-two 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.

TABLE 3-1 Parking Requirements By Land Use	
Land Use Type:	Number of Parking Spaces Required
Manufacturing, Processing, and Warehousing	
General manufacturing, industrial, and processing uses	1 space for each 1,000 s.f.
Recycling facilities	1 space for each 1,000 s.f.
Research and development, laboratories	1 space for each 300 s.f. of gross floor area.
Warehouses, distribution centers, and storage facilities (not including mini-storage for personal use)	1 space per 1,000 s.f. for the first 20,000 s.f. of gross floor area, plus one space per 2,000 s.f. of the second 20,000 s.f. of gross floor area, plus 1 space per 4,000 s.f. of the remaining 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."
Recreation, Education, and Public Assembly	

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 and 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 s.f. of floor area for ancillary uses.
Indoor recreation/fitness centers	
Arcades	1 space for each 250 s.f. 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 s.f.
Pool and billiard rooms	Two spaces for each table, plus required space for ancillary uses.
Skating rinks	1 space for each 100 s.f. of skating area.
Outdoor recreation facilities	2 spaces per each athletic court; 1 space per each 150 s.f. of gross water surface area; 1 space per each 500 square feet of active sports field area.
Libraries, museums, art galleries	1 space for each 400 s.f. 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 s.f. 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 s.f. 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 s.f. 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 s.f.
Residential Uses	
Duplexes	Two covered spaces per unit.
Mixed-use developments	Calculated by each separate use on site.
Mobile home parks	<u>1 covered space per one bedroom unit, 2 spaces per two bedroom unit (1 must be covered).</u> Two covered spaces for each mobile home. Tandem parking allowed in an attached carport, plus 1 guest parking space for each two units. ⁽¹⁾ Recreational vehicle

	parking shall be provided at the rate of 1 space for every 5 units.
Multi-family dwellings, <u>duplexes</u> , <u>triplexes</u> , <u>fourplexes</u> , <u>townhouses</u> , <u>cottage courts</u> , 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. ⁽¹⁾
Senior congregate care facilities	0.5 space for each residential unit, plus 1 space for each 4 units for guests and employees. ⁽¹⁾
Senior housing projects	0.75 space for each unit with half the spaces covered, plus 1 guest parking space for each 10 units. ⁽¹⁾
Single-family housing	2 spaces within a garage.
Retail Trade	
Appliances, building materials, furniture, and hardware stores	1 space for each 500 s.f. of indoor display area.
Automobile, mobile home, vehicle, machinery and parts sales	1 space for each 350 s.f. of gross floor area, plus 1 space for each 3,000 s.f. of outdoor display, service area, plus 1 space for each 300 s.f. of gross floor area for a parts department.
Convenience stores	1 space for each 250 sf.
Food truck park	2 spaces for each on-site motorized food wagon (exclusive of spaces provided for motorized food wagon).
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 s.f. of gross floor area.
Shopping centers (shall use unsegregated parking area)	Minimum parking provided shall be 1 space for each 500 s.f. of gross floor area. Maximum parking provided shall be 1 space for each 200 s.f. of gross floor area.
Services	
Banks and financial services	1 space for each 300 s.f.
Hotels and motels	1 space for each guest room.
Kennels and animal boarding	1 space for each 500 s.f. of gross floor area, plus 1 space for each 1,000 s.f. of boarding area.
Medical services	
Clinic, medical/dental office	1 space for each 200 s.f.
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 s.f.

Personal services	
Barber/beauty shops (and other personal services: tattoo studios, massage therapy)	1 space for each 200 s.f.
Service stations (including multi-use stations)	3 spaces for each service bay.
Storage, personal storage facilities	1 space for each 20,000 s.f. of gross floor area, plus 2 spaces for manager office/residence.
Vehicle repair and maintenance	
Repair garage	1 space for each 500 s.f. 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 s.f. of gross floor area.
Veterinary clinic, animal hospital	1 space for each 350 s.f. of gross floor area, plus 1 space for each 1,000 s.f. of boarding area.

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.

(Ord. No. 1869, § 2, 2-20-2013)

SECTION 7. Lodi Municipal Code Title 17 – Development Code – Article 3 “Site Planning and General Development Standards”, Chapter 17.36 “Standards for Specific Land Uses”, Section 17.36.130 “Accessory Dwelling Units”, is hereby added as follows:

17.36.130 Accessory dwelling units.

- A. Purpose and Intent. This section establishes regulations and a ministerial review process for accessory dwelling units (ADUs). ADUs are intended to expand housing opportunities for low income and moderate income or elderly households by increasing the number of rental units available within existing neighborhoods while maintaining the architectural character of the area.
- B. Applicability. This section applies to all accessory dwelling units, ~~including junior accessory dwelling units~~ as defined in subsection F below.
- C. Where Permitted. Accessory dwelling units are permitted by right in any zoning district which permits single-family or multi-family homes and in any parcel that has an existing primary dwelling or primary multifamily dwelling structure in compliance with the development standards set forth in this section.

~~D. General Plan and Zones Allowed.~~

4. D. General Plan. In accordance with Government Code section 66310 et seq. as may be amended from time to time, any ADU ~~or JADU~~ that conforms with the requirements of this section shall be deemed to be consistent with the general plan designation and zoning for

the parcel, regardless of any limitations on residential density imposed by the general plan or zoning. An ADU shall not be counted when determining residential density for conformance with the general plan or this Code.

2. ~~ADUs and JADUs shall be allowed in all areas zoned to allow single family and multi-family residential uses in compliance with the development standards set forth in this section~~

E. Permits and Approval.

1. Ministerial Action. Approval or denial of an accessory dwelling unit is a ministerial action and subject to compliance with the standards in this section.
2. Building Permit. All accessory dwelling units ~~or junior accessory dwelling~~ shall require a building permit, subject to all the standard application and processing fees and procedures that apply to building permits generally. No other separate planning-related permit is required. Compliance with zoning requirements will be verified during the building permit process.
3. Issuance of Permit. The city shall issue a building permit for an accessory dwelling unit within sixty calendar days from the date on which the city received a completed submittal package application for a location that includes an existing primary dwelling, unless either:
 - a. The applicant requests a delay, in which case the sixty-day time period is put on hold for the period of the requested delay; or
 - b. The application to create an accessory dwelling unit ~~or junior accessory dwelling~~ is submitted with an application to create a new single-family dwelling or multifamily dwellings on the parcel. The city may delay acting on the permit application for the accessory dwelling unit ~~or junior accessory dwelling~~ until the city acts on the permit application to create the new single-family dwelling or multifamily dwellings.

F. Definitions. The following words and phrases shall, for the purposes of this chapter, have the meanings respectively ascribed to them by this section, as follows:

1. "Accessory Dwelling Unit or ADU." An attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary dwelling or existing multifamily dwellings. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation and shall be constructed on the same parcel as the single-family or multifamily dwelling unit that is the primary dwelling unit or will be situated. An accessory dwelling unit also includes the following: (a) an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code, as may be amended from time to time, and (b) a manufactured home, as defined in Section 18007 of the Health and Safety Code, as may be amended from time to time. This definition shall be interpreted as consistent with and including the definition of accessory dwelling unit found in Government Code Section 65852.2, as may be amended from time to time.
2. "Efficiency Kitchen." A cooking facility that includes all of the following:
 - a. A portable appliance for cooking.

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- b. A food preparation counter.
 - c. Food storage cabinets that are of reasonable size in relation to the size of the JADU Junior Accessory Dwelling Unit.
- ~~3. "Efficiency Unit." As defined in Section 17958.1 of the Health and Safety Code, as may be amended from time to time.~~
- ~~4~~ 3. "Junior Accessory Dwelling Unit" or "JADU." A junior accessory dwelling unit means a unit that is contained entirely within a single-unit primary dwelling. This definition shall be interpreted as consistent with and including the definition of junior accessory dwelling unit found in Government Code Section 6631365852-22, as may be amended from time to time.
- ~~5~~ 4. "Living Area." The interior habitable area of a dwelling unit, including basements and attics, but does not include a detached garage or any accessory structure. This definition shall be interpreted as consistent with and including the definition of living area found in Government Code Section 6631365852-2, as may be amended from time to time.
5. "Multifamily Dwelling." For the purpose of this section, a structure with two or more attached dwellings on a single lot is considered a multifamily dwelling (this includes duplexes). Multiple detached single-family dwellings on the same lot are not considered multifamily dwellings for the purposes of this section.
6. "Passageway." A pathway that is unobstructed clear to the sky and extends from a street or alley to one entrance of the accessory dwelling unit. This definition shall be interpreted as consistent with and including the definition of passageway found in Government Code Section 6631365852-2, as may be amended from time to time.
7. "Primary Dwelling." An existing or proposed residential structure on a lot with an accessory dwelling unit.
8. "Public Transit." A location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
- ~~9. "Single-unit and multi-unit." Single-unit means the same as a single-family dwelling and multi-unit means multi-family dwellings with two or more unit.~~
- ~~10~~ 9. "Tandem Parking." Two or more automobiles parked on a driveway or in any other location on a parcel, lined up behind one another.
- G. Types of Accessory Dwelling Units. The following are the ~~two~~ types of accessory dwelling units. Accessory dwelling units shall meet all of the characteristics as described below for each type:
- ~~1. Accessory dwelling unit, both attached and detached, shall meet all of the characteristics as described below for each subtype:~~
- ~~a~~ 1. Attached ADU.
- ~~i~~ a. Attached to an existing or proposed primary dwelling, such as through a shared wall, floor, or ceiling, ~~including garages, storage areas or similar uses, or within~~

~~an accessory structure, or contained entirely within the footprint of an existing or proposed primary dwelling and may include the following:~~

- ~~ii. Created by converting a portion of an existing primary dwelling, by constructing a new primary dwelling with an integral accessory dwelling unit, or by constructing an addition to an existing primary dwelling~~
 - ~~i. A new addition to an existing or proposed primary dwelling.~~
 - ~~ii. Conversion of a portion of an existing primary dwelling or an existing structure that is attached to an existing primary dwelling including attached garages, storage areas, or similar uses.~~

~~b~~ 2. Detached ADU.

~~i~~ a. Physically detached or separated from the existing or proposed primary dwelling and located on the same parcel as the existing or proposed primary dwelling or multifamily dwellings and may include the following:

- ~~ii. May include a second-story addition above an existing detached structure.~~
- ~~iii. Can be new construction or the conversion or expansion of an existing structure.~~
- ~~i. A new construction of a new standalone, detached unit that is separated from the existing or proposed primary single-family dwelling or multifamily dwellings.~~

2. Converted ADU.

a. Created from existing building space. It could be an attached or detached ADU and may include the following:

- i. Conversion of existing space of the primary single-family residence or an accessory structure.
- ii. Conversion a portion of the multifamily dwelling structure that is not used as living space (i.e., storage rooms, passageways, etc.).

~~c~~ 3. Junior Accessory Dwelling Unit. An attached accessory dwelling unit that is a unit that meets the specified criteria below.

a. An accessory dwelling unit that meets the specified criteria below.

- i. Maximum of 500 square feet in size.
- ii. Contained entirely within a single-unit primary dwelling an existing or proposed single-family primary dwelling, including an attached garage, storage area, or other similar uses. JADU's shall not be expanded beyond the dimensions of the single-family dwelling. A JADU cannot be within a detached accessory structure.
- iii. Has a separate entrance from the main entrance to the primary dwelling.
- iv. Has a bathroom that is either in the junior JADU or in the primary dwelling.

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- v. Includes an efficiency kitchen.
 - vi. May include separate sanitation facilities or may share sanitation facilities with the primary dwelling.
- H. Type and Number of Accessory Dwelling Units Per ~~Lot or Parcel in Zones Which Allow Single Family Homes~~. The following number of accessory dwelling units shall apply in all zoning districts that allow single family homes as a permitted use: with an Existing or Proposed Single-Family Dwelling. This includes parcels with multiple detached single-family residential units on one parcel.
- 1. One ~~attached or detached accessory dwelling unit shall be allowed on a parcel with a primary dwelling unit~~ accessory dwelling unit; and
 - 2. One junior accessory dwelling unit shall be allowed on a parcel with primary dwelling.
 - 2. One detached accessory dwelling unit; and
 - 3. Up to one attached or detached accessory dwelling unit and one junior accessory dwelling unit shall be allowed on a single parcel.
 - 3. One junior accessory dwelling unit.
- I. Number of converted Accessory Dwelling Units Per Parcel with an Existing or Proposed Single-Family Dwelling or Accessory Structure.
- 1. One attached or detached ADU can be converted space within the existing primary dwelling or an existing accessory structure. This limit does not include a JADU.
- † J. Type and Number of Accessory Dwelling Units Per ~~Lot Parcel~~ with an Existing ~~Multi-Family Home~~. The following apply to accessory dwelling units in all zoning districts that allow multi-family homes as a permitted use or Proposed Multifamily Dwellings.
- 1. Attached accessory dwelling units.
 - a. At least one ADU shall be allowed within an existing multi-family dwelling, and a total of up to twenty five percent of the number of units within an existing multi-family dwelling shall be allowed.
 - b. Attached accessory dwelling units in a multi-family development may be created only through the conversion of parts of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages.
 - 1. Up to two detached ADUs on a parcel that has proposed multifamily dwellings; or
 - 2. One detached ADU for every existing multi-family dwelling to up to eight ADU's. Multifamily projects that have more than eight dwellings shall have a limit of eight detached ADUs; and
 - 3. At least one converted ADU within an existing multifamily dwelling project and up to 25 percent of the number of multifamily dwellings in an existing multifamily project.

4. JADUs are not allowed within multifamily structures.

K. Development Standards for Accessory Dwelling Units. The following standards apply to all types of accessory dwelling units.

1. Attached Accessory Dwelling Units.

~~a. Location. Attached accessory dwelling units shall be located on the same lot or parcel as an existing or proposed primary dwelling unit and be attached to the primary dwelling unit by at least one wall or by a ceiling (above or below the primary dwelling unit) on a lot that is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling~~

~~b~~ a. Size. The total floor area of an attached ~~accessory dwelling unit~~ ADU shall not exceed ~~right hundred fifty square feet for a one-bedroom unit or one thousand square feet for an accessory dwelling unit that provides more than one bedroom. The total floor area of an attached accessory dwelling unit shall not exceed fifty percent of the primary dwelling square footage. 50 percent of the existing primary dwelling, or 850 square feet for a one-bedroom unit or 1,000 feet for an accessory dwelling unit that provides more than one bedroom, whichever is greater.~~ These limits do not include up to ~~one hundred fifty~~ 150 square feet of area added to the primary dwelling for the sole purpose of providing ingress and egress to ~~the an attached~~ accessory dwelling unit.

~~c~~ b. Setbacks.

i. Front yard and side street yard setbacks s will follow the zoning district standard for the primary dwelling.

ii. Side yard and rear yard setbacks shall be a minimum of 4 feet.

~~ii. Rear yard setback will be a minimum of four feet.~~

~~iv. No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit.~~

~~d~~ c. Height. All attached ADUs shall comply with the zoning district standard for the height of the primary dwelling. The maximum height allowed for the primary dwelling shall be applicable to the attached ADU.

d. Connection to the primary dwelling. The connection between the attached ADU and the primary dwelling must be at least 30 percent of the width of the common wall. There cannot be covered open area (e.g. covered walkway) between the attached ADU and the primary dwelling.

e. Access. An attached accessory dwelling unit shall have direct exterior access separate from the main entrance to the primary dwelling.

f. Design. Attached accessory dwelling units shall incorporate the architectural style, materials, and colors of the primary dwelling. Variation in style, materials

and colors may be approved where staff determines the accessory dwelling unit design is compatible with and complimentary to the primary dwelling unit.

~~g. Passageway. No passageway shall be required in conjunction with the construction of an accessory dwelling unit~~

~~h g. Fire Sprinklers. An attached accessory dwelling unit shall not be required to provide fire sprinklers if they are not required for the primary dwelling.~~

~~i. Landscape. Landscaped areas within setbacks shall meet the requirements of this Code~~

~~j. Deed Restriction. Before permit issuance, the city shall be provided with a copy of the recorded deed restriction for a junior accessory dwelling unit, which shall run with the land, using the city's form pursuant to Government Code Section 65852.2, as may be amended from time to time.~~

~~k. Allowed ADU. No provisions within this section, including lot coverage or legal nonconformity, shall preclude an attached minimum eight hundred square foot accessory dwelling unit that is at least sixteen feet in height with four-foot side yard and rear yard setbacks, and that is constructed in compliance with all other development standards~~

2. Detached Accessory Dwelling Unit ~~Development Standards.~~

~~a Location. Detached accessory dwelling unit shall be located on the same lot or parcel as an existing or proposed primary dwelling on a lot that is zoned to allow single family or multifamily dwelling residential use.~~

~~b a. Size. A detached accessory dwelling unit shall not exceed eight hundred fifty 850 square feet for a one-bedroom unit or one thousand 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.~~

~~e b. Setbacks~~

~~i. Front yard and side street yard setbacks will follow the zoning district standard for the primary dwelling. A detached ADU shall not be located between the primary dwelling unit and the front lot line.~~

~~ii. Side yard and rear yard setbacks shall be a minimum of four 4 feet.~~

~~iii. Rear yard shall be a minimum of four feet.~~

~~d c. Height. The maximum height of an detached accessory dwelling unit shall be as follows: sixteen feet for new structures built specifically as an accessory dwelling unit. Existing structures taller than sixteen feet can be converted to an accessory dwelling unit where the accessory dwelling unit is consistent with all other requirements of this section~~

~~i. A maximum height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily project. The maximum height may be increased by an additional 2 feet, to 20 feet, for the purpose of accommodating a roof pitch on the accessory dwelling unit that is~~

aligned with the roof pitch of the primary dwelling unit or multifamily dwellings;
or

ii. If the detached accessory dwelling unit is on top of an existing or new garage, the maximum height will be that allowed for the primary dwelling.

~~e. Design. Accessory dwelling units shall incorporate the architectural style, materials, and colors of the primary dwelling unit. Variation in style, materials and colors may be approved where staff determines the accessory dwelling unit design is compatible with and complimentary to the primary dwelling unit.~~

~~f. Passageway. No passageway shall be required in conjunction with the construction of an accessory dwelling unit.~~

~~g~~ d. Fire Sprinklers. A detached accessory dwelling unit shall not be required to provide fire sprinklers if they are not required for the primary dwelling.

~~h. Landscape. All setback areas shall be landscaped as required by this Code.~~

~~i. Deed Restriction. Before permit issuance, the city shall be provided with a copy of the recorded deed restriction, which shall run with the land, using the city's form pursuant to Government Code Section 65852.2, as may be amended from time to time.~~

~~j. Building Separation. An accessory dwelling unit shall comply with the building separation requirements of the underlying zone, but in no case shall said requirement prohibit an accessory dwelling unit that is a minimum of eight hundred square feet, maximum of sixteen feet in height with four-foot side and rear yard setbacks~~

~~k. Authorized ADU. No provisions within this section, including lot coverage or legal nonconformity, shall preclude a detached minimum eight hundred square foot accessory dwelling unit that is at least sixteen feet in height with four-foot side yard and rear yard setbacks, and that is constructed in compliance with all other development standards.~~

e. Detached Accessory Dwelling Units on Multifamily Parcels. Detached ADUs on multifamily parcels can be attached to each other or to an accessory structure but cannot be attached to a primary multifamily structure.

f. Detached Garage Demolition. A demolition permit for a detached garage that is to be replaced with an ADU shall be reviewed with the application for the ADU and issued at the same time. The applicant shall not be required to provide written notice or post a placard for the demolition of a detached garage that is to be replaced with an ADU, unless the property is located within an architecturally and historically significant historic district.

3. Accessory Dwelling Unit Conversion (Attached and Detached Accessory Dwelling Unit).

a. Size. The conversion of an existing accessory structure or portion of the existing primary residence is not subject to size requirements.

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- b. Setbacks and Height. Setbacks and height for ADU conversions are limited to that of the original structure.
 - c. Access. A converted accessory dwelling unit shall have direct exterior access separate from the main entrance to the primary dwelling.
 - d. Expansion Area. A converted accessory dwelling unit may have up to a 150 square-foot expansion to accommodate ingress and egress.

3 4. Junior Accessory Dwelling Unit Development Standards.

- ~~a.~~ Location. ~~Shall be within the walls of the primary single-family residence, including an attached garage, of the primary dwelling unit by at least one wall or by a ceiling. The junior accessory dwelling unit may be located above or below the primary dwelling unit~~
- ~~b~~ a. Size. The JADU shall not exceed a maximum of ~~five hundred~~ 500 square feet of living area.
- ~~c~~ b. Setbacks. If the primary dwelling is expanded for the sole purpose of providing ingress and egress to the junior accessory dwelling unit, the addition shall maintain setbacks of four feet from side and rear yards or the same setback as the existing structure, whichever is less. The front setback shall comply with the zoning district for the primary structure.
- ~~d~~ c. Access. A junior accessory dwelling unit shall have a separate entrance separate from the main entrance to the primary dwelling. If the JADU does not include a separate bathroom, the JADU must include an interior entrance to the main living area.
- ~~e.~~ Kitchen. ~~Each junior accessory dwelling unit shall include at least an efficiency kitchen.~~
- ~~f.~~ Utilities
 - ~~i.~~ A junior accessory dwelling unit shall not be considered a separate or new dwelling unit for the purposes of calculating connection fees or capacity charges for utilities, including water, sewer, or power service, or impact fees.
 - ~~ii.~~ No new or separate utility connection between the junior accessory dwelling unit and the utility shall be required, although the property owner may voluntarily install a submeter for the junior accessory dwelling unit.
 - ~~iii.~~ Any utility charges or fees shall be consistent with state law.—
- ~~h~~ d. Owner Occupancy Requirements and Deed Restriction.
 - i. A person with legal or equitable title to the primary dwelling shall reside on the property in either the primary dwelling or junior accessory dwelling unit as that person's legal domicile and permanent residence.
 - ii. The owner occupancy requirement does not apply if the property is entirely owned by a governmental agency, land trust, or non-profit housing organization.

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- iii. Prior to issuance of a building permit for a junior accessory dwelling unit, a deed restriction shall be recorded in the chain of title of the primary single-family property. The form of the deed restriction shall be reviewed by the city attorney pursuant to Government Code Section 66310 et seq., as may be amended from time to time.
 - iv. The deed restriction shall run with the land and shall be enforced against future property owners.

K L. Impact Fees, Connection Fees, and Capacity Charges

1. Impact Fee Requirements.

- a. No impact fees shall be charged for a junior accessory dwelling unit or an ADU conversion. ~~A junior accessory dwelling unit shall not be considered a separate or new dwelling unit for the purposes of calculating impact fees, connection fees, or capacity charges for utilities.~~
- b. No ~~city-imposed~~ impact fees shall be charged for an accessory dwelling unit that is less than ~~seven hundred fifty~~ 750 square feet in size.
- c. For accessory dwelling units ~~seven hundred fifty~~ 750 square feet or larger, ~~city-imposed~~ impact fees shall be charged proportionately in relation to the square footage of the primary dwelling.
- d. ~~An ADU may be subject to connection fees or capacity charges levied by a local agency, special district, or water corporation.~~ For ADUs that include a 150 square foot or less exterior expansion for ingress and egress, the expansion area shall count toward the 750 square-foot limit for being exempted from impact fees.

2. Connection Fees or Capacity Charges.

- a. An ADU may be subject to connection fees or capacity charges.
- b. A junior accessory dwelling unit shall not be considered a separate or new dwelling unit for the purposes of calculating connection fees or capacity charges for utilities, including water, sewer, or power service. No new or separate utility connection between the JADU and the utility shall be required, although, the property owner may voluntarily install a submeter for the JADU. Any utility charges or fees shall be consistent with state law.

M. Required Parking for Accessory Dwelling Units.

1. Number of Parking Spaces. Parking for accessory dwelling units shall be provided per the following:
 - a. One off-street parking space, covered or uncovered, is required for each ~~attached or detached~~ accessory dwelling unit, unless otherwise specified below. ~~These spaces may be provided as tandem parking on a driveway.~~
 - b. No additional off-street parking is required for a junior accessory dwelling unit.

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- ~~b c.~~ Notwithstanding any other section, no off-street parking is required for an ~~attached or detached~~ accessory dwelling unit if one or more of the following applies:
- i. The accessory dwelling unit is located within one-half mile walking distance of public transit.
 - ii. The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.
 - iii. The accessory dwelling unit is located within an architecturally and historically significant historic district.
 - iv. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
 - v. When there is a car share vehicle within one block of the accessory dwelling unit.
- ~~e d.~~ Off-street parking shall be provided outside setback areas, unless no feasible location is available outside of setback areas, in which case parking is allowed in setback areas
- ~~d e.~~ Tandem parking is allowed as off-street parking for accessory dwelling units.
2. When a garage, carport, or covered parking structure is demolished to allow for the construction of an accessory dwelling unit or for the conversion of a structure to an accessory dwelling unit or junior accessory dwelling unit, it shall not be required to be replaced.
3. Uncovered off-street parking spaces that are demolished in conjunction with the construction of an ADU shall not be required to be replaced.
- ~~3 4.~~ Guest parking spaces shall not be required for accessory dwelling units or junior accessory dwelling units.

SECTION 8. Lodi Municipal Code Title 17 – Development Code – Article 3 “Site Planning and General Development Standards”, Chapter 17.36 “Standards for Specific Land Uses”, Section 17.36.220 “Tobacco Retailer Establishment”, is hereby added as follows:

17.36.220 – Tobacco retailer establishments

A. Purpose

1. The regulation of tobacco retailer establishments is necessary and in the interests of the public health, safety and general welfare because there is the substantial likelihood of the establishment and operation of new tobacco retailer establishments in the city of Lodi. The expansion of tobacco retailer establishments in the city would result in undesirable impacts to the community. Among these impacts are increased potential for tobacco sales to minors, greater opportunity for the sale of illegal drug paraphernalia that is marketed as tobacco paraphernalia, and heightened risk of negative aesthetic impacts, blight, and loss of property values of residential neighborhoods and businesses in close proximity to such uses. This chapter contains amendments consistent with good zoning

and planning practices to address such negative impacts of tobacco retail establishments while providing a reasonable number of locations and zones for such shops/stores to locate within the city of Lodi.

B. Definitions

Unless otherwise provided in this section, the definitions set forth in LMC Title 17, Article 7 apply. The following words shall have the meanings set forth below when used in this section.

1. "Ancillary sale" shall mean where a grocery store, supermarket, convenience store or similar market uses no more than two percent of its gross floor area, or 200 square feet, whichever is less, for the display, sale, distribution, delivery, offering, furnishing, or marketing of conventional cigars, cigarettes or tobacco. For any grocery store, convenience market, retail kiosk or similar use consisting of 250 square feet or less, "ancillary sale" shall mean where no more than five square feet are used for the display, sale, distribution, delivery, offering, furnishing, or marketing of conventional cigars, cigarettes or tobacco. The display, sale, distribution, delivery, offering, furnishing, or marketing of electronic smoking devices or any other tobacco products or tobacco paraphernalia (does not include conventional cigars, cigarettes or tobacco), regardless of square footage used, is subject to the restrictions of this chapter and shall not constitute ancillary sale" under any circumstances.
2. "City" means the incorporated area of the city of Lodi.
3. "Electronic smoking device" means any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. "Electronic smoking device" includes any component, part, or accessory of the device, and includes any substance that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine. Electronic smoking device does not include any nicotine cessation product that has been authorized by the U.S. Food and Drug Administration to be marketed and for sale as "drugs," "devices," or "combination products," as defined in the Federal Food, Drug, and Cosmetic Act.
4. Moveable place of business" means any form of business that is operated out of a kiosk, truck, van, automobile or other type of vehicle or transportable shelter and not a fixed address store front or other permanent type of structure authorized for sales transactions.
5. "Proprietor" means a person with an ownership or managerial interest in a business. An ownership interest will be deemed to exist when a person has a 10% or greater interest in the stock, assets, or income of a business other than the sole interest of security for debt. A managerial interest will be deemed to exist when a person has or shares ultimate control over the day-to-day operations of a business.
6. "Sale" or "Sell" means any transfer of goods for money, trade, barter or other consideration.
7. "School" means those sites upon which full-time instruction in any of the grades K through 12 is provided where the primary purpose is education. "School"

includes public schools, private schools, and charter schools, but does not include any private site upon which education is primarily conducted in private homes.

8. “Self-Service Display” means the open display or storage of tobacco products in a manner that is physically accessible in any way to the general public without the assistance of the retailer or employee of the retailer and a direct face-to-face transfer between the purchaser and the retailer or employee of the retailer. A vending machine is a form of self- service display.
9. “Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation. “Smoking” includes using an electronic smoking device.
10. “Tobacco Product” means:
 - i. any product containing, made of, or derived from commercial tobacco or nicotine that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any other means, including but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus;
 - ii. any electronic smoking device and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; or
 - iii. any component, part, or accessory of (1) or (2), whether or not any of these contains commercial tobacco or nicotine, including but not limited to filters, rolling papers, blunt or hemp wraps, hookahs, mouthpieces, and pipes.
 - iv. “Tobacco product” does not mean drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.
11. “Tobacco Retailer Establishment” means any land use from which a person sells, offers for sale, or exchanges or offers to exchange for any form of consideration, tobacco products. Tobacco Retail Establishment includes, but is not limited to, grocery stores, cigar bars, convenience stores, liquor stores, hookah lounges, gasoline and other automobile service stations, bars, restaurants, and hotels. This does not include establishments conducting ancillary sale of tobacco products.
12. “Tobacco Retailing” means selling, offering for sale, or exchanging or offering to exchange for any form of consideration, tobacco products. This definition is without regard to the quantity of tobacco products sold, offered for sale, exchanged, or offered for exchange.
13. “Youth-Oriented Facility” means a parcel in the City that is occupied by:
 - i. a private or public kindergarten, elementary, middle, junior high, or high school;
 - ii. a library open to the public;
 - iii. a playground open to the public;

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- iv. a youth center, defined as a facility where children, ages 6 to 17, inclusive, come together for programs and activities;
 - v. a recreation facility open to the public, defined as an area, place, structure, or other facility that is used either permanently or temporarily for community recreation, even though it may be used for other purposes;
 - vi. a park open to the public or to all the residents of a private community;
 - vii. a licensed child-care facility or preschool [other than a small-family day care home or a large-family day care home [as defined in California Health & Safety Code § 1596.78]

C. Allowed Zoning Districts and Conditional Use Permit Requirement

- 1. Tobacco retailer establishments are permitted in the Downtown Mixed Use (DMU), Mixed Use Center (MCE), Mixed Use Corridor (MCO), General Commercial (GC), and Industrial (M) zoning districts upon approval of a conditional use permit. This does not apply to establishments that are conducting ancillary sale of tobacco products.

D. Location Restrictions

- 1. Tobacco retailing may be conducted at fixed locations only. No conditional use permit for a tobacco retailer establishment will be issued to a moveable place of business.
- 2. No conditional use permit shall issue to any tobacco retailer establishment located within 500 feet from a youth-oriented facility as measured by a straight line from the nearest point of the property line of the parcel on which the permit applicant's tobacco retailer establishment is located to the nearest point of the property line of the parcel on which the youth-oriented facility is located.
- 3. No conditional use permit shall issue to any tobacco retailer establishment be located within 500 feet from another tobacco retailer establishment as measured by a straight line from the nearest point of the property line of the parcel on which the permit applicant's tobacco retailer establishment is located to the nearest point of the property line of the parcel on which an existing tobacco retailer establishment is located.

E. Lawful Business Operation

- 1. In the operation or in the maintenance of a tobacco retail establishment (with a conditional use permit or with legal nonconforming use status), it is a violation of this Chapter for the proprietor or their agents or employees to violate any local, state, tribal or federal law applicable to the sale of tobacco products.
- 2. All proprietors are responsible for the actions of their employees relating to the sale, offer to sell, and furnishing of tobacco products at any tobacco retailer establishment. The sale of any tobacco product by an employee is considered to be an act of the proprietor, and any related remedies will be pursued against the proprietor.

F. Operational Requirements

- 1. The proprietor(s) of the tobacco retailer establishment must obtain written approval from the property owner where such a use is to be established, authorizing the same.

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2. Each tobacco retailer establishment must obtain and maintain a valid business license from the City of Lodi.
 3. Each tobacco retailer establishment must hold and maintain a valid California cigarette and tobacco products retailer's license issued by the California Department of Tax and Fee Administration, in accordance with state law, and shall be prominently displayed in the publicly visible location at the establishment.
 4. No person who is younger than the minimum age of 21 years or the minimum age of sale as established by state law, whichever is more restrictive, may be employed by a tobacco retailer establishment.
 5. Tobacco retailer establishment shall post clear signage in accordance with the Stop Tobacco Access to Kids Enforcement (STAKE) Act, indicating that minors may not enter the premises unless accompanied by a parent or legal guardian. At least one such sign, of a size clearly visible to customers, shall be placed in a conspicuous location near each public entrance to the tobacco retailer establishment. It shall be unlawful for a tobacco retailer establishment to fail to display and maintain, or fail to cause to be displayed or maintained, such signage.
 6. Smoking, including smoking for the purpose of sampling any tobacco product, is prohibited within the indoor area of any retail establishment licensed under this chapter. Smoking is also prohibited outdoors within 25 feet of any tobacco retailer establishment.
 7. Tobacco retailing by means of a self-service display is prohibited.
 8. Redemption of coupons or discounts for tobacco products is prohibited.
 - G. Tobacco retailer establishments that are legally existing on the effective date of the ordinance codified in this chapter may continue to operate as legal nonconforming uses in accordance with LMC Chapter 17.68 and shall not be required to obtain a conditional use permit. However, any change or expansion of the legal nonconforming use may require compliance with this chapter and a conditional use permit, as more particularly set forth in LMC Chapter 17.40.
 - H. The establishment of a youth-oriented facility within 500 feet of a tobacco retailer establishment use after said uses commence legal operations under this Chapter shall render the tobacco retailer establishment use a nonconforming use which may continue to operate at their existing location subject to LMC Chapter 17.68.

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SECTION 9. Lodi Municipal Code Title 17 – Development Code – Article 3 “Site Planning and General Development Standards”, Chapter 17.36 “Standards for Specific Land Uses”, Section 17.36.230 “Alcoholic beverage sales (on-sale and off-sale)”, is hereby added as follows:

17.36.230 - Alcoholic beverage sales (on-sale and off-sale).

- A. Purpose and Intent. These provisions shall be known as the alcoholic beverage sales regulations. The general purposes of these regulations are to protect and promote the public health, safety, comfort, convenience, prosperity, and general welfare of the residents of the City of Lodi by requiring alcoholic beverage sales activities to comply with the operational standards in this section and to achieve the following objectives:

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1. Protecting residential, commercial, industrial, and civic areas from and minimizing the adverse impacts of alcoholic beverage sales activity;
 2. Providing opportunities for alcoholic beverage sales establishments to operate in a mutually beneficial relationship to each other and to other commercial and civic services;
 3. Providing mechanisms to address problems associated with the public consumption of alcoholic beverages such as litter, loitering, graffiti, unruly behavior, and escalated noise levels;
 4. Ensuring that alcoholic beverage sales activities are not a source of undue public nuisance in the community;
 5. Providing for properly maintained alcoholic beverage sales establishments so that the negative impacts generated by these activities are not harmful to the surrounding environment in any way; and
 6. Monitoring deemed approved activities or establishments to ensure they do not substantially change in mode or character of operation such that they pose a nuisance to the surrounding area.

B. Applicability. Alcoholic beverage sales shall comply with the requirements of this section, where allowed by Article 2 (Zoning Districts Land Use and Development Standards).

C. Definitions.

1. "Alcoholic Beverage" means alcohol, distilled spirits, liquor, wine, beer, and any liquid or solid containing alcohol, distilled spirits, wine, or beer, that contains 1/2 of 1% or more of alcohol by volume that is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances, the sale of which requires an ABC license.
2. "Alcoholic Beverage Sales Activity" means the retail sale of alcoholic beverages for on-site or off-site consumption, including liquor stores (defined as any retail establishment having more than 20 percent of its gross floor area devoted to the sale, storage and/or display of alcohol), convenience stores, markets, taverns, bars, and restaurants with bars.
3. "Alcoholic Beverage Sales Establishment" means an establishment where alcoholic beverage sales activity occurs, including but not limited to: liquor stores, beer and wine stores, convenience markets, neighborhood specialty food markets, retail sales establishments, wine shops, service stations, taverns, clubs, cocktail lounges, ballrooms, cabarets, dance bars, piano bars, billiard or game parlors, bowling alleys, nightclubs, dance halls, cafes, bars, restaurants with bars, full-service restaurants, and fast food establishments.
4. Bars and Nightclubs (On-Sale). Businesses where alcoholic beverages are sold for on-site consumption and which are not part of a larger restaurant. Includes bars, taverns, pubs, cigar bars, and similar establishments where any food service is subordinate to the sale of alcoholic beverages; cabarets and other adult-related establishments that comply with the standards for adult-related establishments (Chapter 5.40); and beer brewing as part of a microbrewery or other beverage tasting facilities. May include entertainment (e.g., live music

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- and/or dancing, comedy, etc.). Bars and nightclubs shall also comply with the standards for problem uses (17.36.240).
5. California Department of Alcoholic Beverage Control (ABC). The Department empowered by the State of California to act pursuant to Article 20, Section 22, of the California Constitution and authorized to administer the provisions of the Alcoholic Beverage Control Act.
 6. Deemed Approved Activity or Establishment. Any previous legal nonconforming alcoholic beverage sales activity or establishment pursuant to Chapter 17.68 that continues its activities after the effective date of the ordinance codified in this section in compliance with all deemed approved standards and provisions.
 7. Deemed Approved Status. An activity or establishment as defined in subsection (E)(2).
 8. Full-Service Restaurant. A place which is regularly and in a bona fide manner used and kept open for the serving of at least breakfast, lunch, and/or dinner to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for such meals. The sale or service of sandwiches (whether prepared in a kitchen or made elsewhere and heated up on the premises) or snack foods shall not constitute a full-service restaurant. A "full-service restaurant" shall make actual and substantial sales of "meals" to guests for compensation. Substantial sales shall mean that no less than 50 percent of total revenue shall be generated from food service and no more than 50 percent of revenue from the sales of alcohol.
 9. Illegal Activity. An activity that has been determined to be out of compliance with the alcoholic beverage sales standards.
 10. Legal Nonconforming Alcoholic Beverage Sales Activity or Establishment. Alcoholic beverage sales activity or establishment pursuant to Chapter 17.68 for which a valid state of California Alcoholic Beverage Control license had been issued and used in the exercise of the rights and privileges conferred by the license at a time prior to the effective date of the ordinance codified in this section.
 11. New Alcoholic Beverage Sales Activity or Establishment. An activity or establishment that requires consideration and approval of a commission use permit under the Development Code.
 12. Off-Sale Alcoholic Beverage Establishment. An establishment that conducts retail sales of alcoholic beverages for consumption off the premises where sold.
 13. On-Sale Alcoholic Beverage Establishment. An establishment that conducts retail sales of alcoholic beverages for consumption on the premises where sold.
 14. Problem Use. The off-sale of alcoholic beverages, bars, and night clubs with the on-sale of alcoholic beverages shall be deemed a problem use, subject to a commission use permit in compliance with Section 117.40.040 (Use permits and minor use permits) and the requirements of Section 17.36.240 (Problem uses).
 15. Repeated Nuisance. A person, thing, or a circumstance that constitutes a repeat violation of the regulations of this section and/or that interferes with the use and enjoyment by the general public.
 16. Sidewalk Café. Any restaurant with outdoor dining that serves alcohol on a public sidewalk or public right-of-way as authorized by the Council under Section 9.04.010 (Alcoholic beverage—Open container in public) and Chapter 12.04 (Streets, Sidewalks, and Public Places).

D. Standards (New Alcoholic Beverage Sales)

1. Purpose. The purpose of these standards is to control dangerous or objectionable environmental effects of alcoholic beverage sales activities. These standards shall apply to all new alcoholic beverage sales activities or establishments requiring consideration and approval of a commission use permit or land development permit under the Development Code for the purpose of achieving the following objectives:

- a. Protect surrounding neighborhoods from the harmful effects attributable to the sale of alcoholic beverages and to minimize the adverse impacts of nonconforming and incompatible uses.
- b. Encourage businesses selling alcoholic beverages to operate in a manner that is mutually beneficial to other such businesses and other commercial and civic activities.
- c. Provide a mechanism to address problems often associated with the public consumption of alcoholic beverages, such as litter, loitering, graffiti, and noise levels.
- d. Ensure that businesses selling alcoholic beverages are not the source of undue public nuisances in the community.
- e. Ensure that sites where alcoholic beverages are sold are properly maintained so that negative impacts generated by these activities are not harmful to the surrounding environment in any way.

The provisions of this section are intended to complement the State of California alcohol-related laws. The City does not intend to replace or usurp any powers vested in the California Department of Alcoholic Beverage Control.

2. Location Restrictions.

- a. New alcoholic beverage sales activities or establishments shall not be located within 500 feet of any of the following:
 - i. A public or private academic school for students in kindergarten through 12th grade, nursery school, preschool, or day-care facility. For the purpose of this section, distances shall be measured between the closest property lines of the affected locations; and
 - ii. A public park, playground, recreational area, or youth facility.

Each application shall be analyzed by the applicable Review Authority to ensure that the application is consistent with the purpose and intent of this provision. The applicable Review Authority has the discretion to waive these restrictions to promote and support local economic business growth throughout the City including areas like the Downtown Mixed Use District or key corridors.

- b. The following new alcoholic beverage sales activities or establishments (on-sale and off-sale) may be exempt from location restrictions:
 - i. Establishments containing 10,000 square feet or more with a maximum of 10 percent of its gross floor area devoted to the sale, display, and/or storage of alcohol, including, but not limited to, supermarkets and drug stores, which do not sell alcoholic beverages as their principal business.

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- ii. Full-Service Restaurants. A place which is regularly and in a bona fide manner used and kept open for the serving of at least lunch and/or dinner to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for such meals. The sale or service of sandwiches (whether prepared in a kitchen or made elsewhere and heated up on the premises) or snack foods shall not constitute a full-service restaurant. A "full-service restaurant" shall make actual and substantial sales of "meals" to guests for compensation. Substantial sales shall mean that no less than 50 percent of total revenue shall be generated from food service and no more than 50 percent of revenue from the sales of alcohol.
 - iii. Establishments where the on-site consumption of alcoholic beverages is allowed as an incidental or secondary use, subject to consideration by and recommendations from the Police Department, including, but not limited to, beauty salons, nail salons, or movie theaters.
 - iv. Establishments where the on-site consumption of alcoholic beverages is an incidental or secondary use, including, but not limited to, membership clubs, social, veterans or fraternal organizations.
 - v. Establishments with an ancillary tasting room or craft brewery with a full-service restaurant, including, but not limited to, an alcoholic beverage manufacturer, such as a craft brewery or winery.
 - vi. Establishment whose application has been deemed complete prior to the effective date of this Development Code.
 - c. Special Circumstances. Upgrade or transfer of an existing off-sale alcoholic beverage license in the same census tract where there is already an over-concentration of off-sale alcoholic beverage licenses as defined by Business and Professions Code Section 23958.4.
 - i. Upgrading an existing off-sale alcoholic beverage license at the same location shall comply with the following requirements:
 - (a) Not result in a net increase of the number of such licenses in a census tract where an over-concentration currently exists;
 - (b) Be exempt from location restrictions under subsection (2)(a);
 - (c) Transfer the existing off-sale alcoholic beverage license to outside another census tract or cancel such license;
 - (d) Obtain a new use permit.
 - ii. Transferring an existing off-sale alcoholic beverage license from one location to another location within the same census tract where there already exists an over-concentration of off-sale alcoholic beverage licenses shall comply with the following requirements:
 - (a) Not result in a net increase of the number of such licenses in an existing over-concentration census tract;
 - (b) Comply with the location restrictions under subsection (2)(a);

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- (c) Voluntarily surrender a previously-approved use permit, if applicable, at the original location from the property owner. The form for "Surrender of Use" shall be notarized by a notary public; and
 - (d) Obtain a new use permit.
 - d. In the review of commission use permit applications for new alcoholic beverage sales establishments and upgrades or transfers of existing ABC licenses, which are considered problem uses as defined herein, the following shall be considered and may be grounds for denial based upon potential adverse effects to the public interest, health, safety or convenience:
 - i. On-Sale of Alcoholic Beverage Sales Establishment.
 - (a) Establishment shall not be located in an area where crime rates are higher than typical levels observed citywide, as determined by the Police Department based on current crime data and public safety considerations; or
 - (b) Establishment shall not be located in an area within 500 feet of an existing on-sale alcoholic beverage establishment or any location that would lead to the grouping of more than four on-sale alcoholic beverage establishments within a 1,000-foot radius.
 - ii. Off-Sale of Alcoholic Beverage Sales Establishment.
 - (a) Establishment shall not be located in an area where crime rates are higher than typical levels observed citywide, as determined by the Police Department based on current crime data and public safety considerations; or
 - (b) Establishment shall not be located in an area within 500 feet of an existing off-sale alcoholic beverage establishment or any location that would lead to the grouping of more than four off-sale alcoholic beverage establishments within a 1,000-foot radius.

Each application shall be analyzed by the applicable Review Authority to ensure that the application is consistent with the purpose and intent of this provision. The applicable Review Authority has the discretion to waive these restrictions to promote and support local economic business growth, throughout the City including areas like the Downtown Mixed Use District or key corridors.

3. Permitting Requirements.

- a. The following alcoholic beverage sales activities and establishments must obtain a minor use permit with the applicable Review Authority approval.
 - i. Full-Service Restaurants with an ABC License Type 41 (On-Sale Beer & Wine – Eating Place). A place which is regularly and in a bona fide manner used and kept open for the serving of at least breakfast, lunch, and/or dinner to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for such meals. The sale or service of

sandwiches (whether prepared in a kitchen or made elsewhere and heated up on the premises) or snack foods shall not constitute a full-service restaurant. A "full-service restaurant" shall make actual and substantial sales of "meals" to guests for compensation. Substantial sales shall mean that no less than 50 percent of total revenue shall be generated from food service and no more than 50 percent of revenue from the sales of alcohol. Establishments with a Type 47 (On-Sale General – Eating Place) require a conditional use permit.

- ii. Establishments where the on-site consumption of alcoholic beverages is allowed as an incidental or secondary use, subject to consideration by and recommendations from the Police Department, including, but not limited to, beauty salons, nail salons, or movie theaters.
- iii. Establishments where the on-site consumption of alcoholic beverages is an incidental or secondary use, including, but not limited to, membership clubs, social, veterans or fraternal organizations.
- iv. Establishments with an ancillary tasting room or craft brewery with a full-service restaurant, including, but not limited to, an alcoholic beverage manufacturer, such as a craft brewery.

Each application shall be analyzed by the applicable Review Authority to ensure that the application is consistent with the purpose and intent of this provision. The applicable Review Authority has the discretion to defer action and refer the application directly to the Planning Commission, pursuant to Chapter 17.74 (Public Hearings).

b. The following alcoholic beverage sales activities shall be by-right uses.

- i. Establishments containing 40,000 square feet or more with a maximum of 10 percent of its gross floor area devoted to the sale, display, and/or storage of alcohol, including, but not limited to, super markets, drug stores, or retail stores which do not sell alcoholic beverages as their principal business;
- ii. Establishments with a temporary alcohol license issued by the California Department of Alcoholic Beverage Control and established in compliance with all City codes and regulations;
- iii. Catering businesses for private parties or banquets in compliance with ABC regulations; and
- iv. Wholesale of alcoholic beverages on-line or in a commercial or warehouse building.

4. Permit Application. Any person(s), association, partnership, corporation or other legal entity desiring to obtain a commission use permit or minor use permit for an alcoholic beverage sales activity or establishment shall file an application with the City of Lodi Community Development Department pursuant to Section 17.40.040. The application shall be accompanied by a nonrefundable application processing fee in an amount adopted by the City Council in compliance with Chapter 17.38, Application filing and processing.

The Planning Commission shall only approve the issuance of a conditional use permit to allow new alcoholic beverage sales activity or establishment after making the findings listed in Section 17.40.040(F), Findings and Decision.

5. Conditions of Approval.

- a. On-Sale Alcoholic Beverage Establishments. The following condition(s) may be imposed by the applicable Review Authority:
 - i. Pay Telephone. Pay telephones on the site of the establishment shall be required to be of the type restricted to allow only outgoing calls and shall be located inside the building in a visible and well-lit area, subject to approval by the Chief of Police.
 - ii. Program. A "complaint response community relations" program established and maintained by the establishment conducting the alcoholic beverage sales activity may be required. The program may include the following:
 - (a) Posting at the entry of the establishment that provides the telephone number for the area commander of the local law enforcement substation.
 - (b) Coordinating efforts with the Police Department to monitor community complaints about the establishment's activities.
 - (c) Having a representative of the establishment meet with neighbors, or the applicable neighborhood association on a regular basis and at their request to attempt to resolve any neighborhood complaints regarding the establishment.
 - iii. Hours of Operation. The City may limit the hours of operation for alcoholic beverage sales activities or establishments.
 - iv. Security Cameras. Prior to the initiation of alcoholic beverage sales activity, the most current technology for a video surveillance system with at least a seven day continuous recording capability shall be in place. Video recordings shall be archived for at least 30 days. The video surveillance system shall cover the entire exterior of the premises, including the parking lot and the entrances to the building.
 - v. Security Guards. An establishment may be required to retain a specified number of security guards. The number of security guards shall vary, based upon the specific facts and circumstances of each establishment and the proposed operation. All security guards shall be required to have all applicable State and City permits and licenses in place prior to the initiation of alcoholic beverage sales activity.
 - vi. Loitering. The establishment's operators or employees shall be required to discourage loitering on or near the premises and to ask persons loitering longer than 15 minutes to leave the area and contact local law enforcement officials for enforcement of applicable trespassing and loitering laws, if persons requested to leave fail to do so.
 - vii. Lighting. Exterior areas of the premises and adjacent parking lots shall be provided with sufficient lighting in a manner that provides adequate illumination for alcoholic beverage sales establishment

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- patrons while not spilling onto surrounding parcels and rights-of-way. A photometric study may be required to demonstrate compliance once the use is initiated.
- viii. Expiration. The commission use permit or minor use permit shall be valid for the duration of the use, but if the alcohol sale license is revoked by the State of California, is transferred off-site, or if the establishment does not sell alcohol for a period of 24 months or more, the use permit may be subject to revocation following a public hearing.
- ix. Mitigating Alcohol-Related Problems. The establishment shall be required to operate in a manner appropriate with mitigating alcohol-related problems that negatively impact those individuals living or working in the neighborhood, including, but not limited to, sales to minors, the congregation of individuals, violence on or near the premises, drunkenness, public urination, solicitation, drug-dealing, drug use, loud noise, and litter.
- x. Training Program. The owners and all employees of the alcoholic beverage sales establishment who are involved in the sale of alcoholic beverages shall complete an approved course in "Responsible Beverage Sales" (RBS), or any other ABC approved course, within 60 days of hire for employees hired after the passage of the ordinance codified in this section or within six months of the passage of the ordinance codified in this section for existing employees. To satisfy this requirement, a certified program must meet the standards of the Alcohol Beverage Control Responsible Beverage Service Advisory Board, other certifying/licensing body Service Advisory Board, or other certifying/licensing body designated by the State of California.
- xi. The applicable Review Authority has the discretion to impose additional condition(s) of approval, as warranted by the application under consideration.
- b. Off-Sale Alcoholic Beverage Establishments. The following condition(s) may be imposed by the applicable Review Authority:
- i. Prohibited Products. To discourage nuisance activities, off-sale alcoholic beverage establishments may be prohibited from selling one or more of the following products:
- (a) Wine or distilled spirits in containers of less than 750 milliliters.
- (b) Malt beverage products with alcohol content greater than five and one-half (5 1/2) percent by volume.
- (c) Wine with an alcoholic content greater than 14 percent by volume unless in corked bottles and aged at least two years.
- (d) Beer or malt liquor sold individually in containers of 40 ounces or less.
- (e) Containers of beer or malt liquor not in their original factory packages of six packs or greater.
- (f) Distilled spirits in bottles or containers smaller than 375 milliliters.

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- (g) Cooler products, either wine-or malt beverage-based, in less than four pack quantities.
 - (h) Pay Telephone. Pay telephones on the site of an alcoholic beverage sales establishment shall be the type restricted to allow only outgoing calls and shall be located inside the building in a visible and well-lit area, subject to approval by the Chief of Police.
 - (i) Program. A "complaint response community relations" program established and maintained by the establishment conducting the Alcoholic Beverage Sales Activity may be required. The program may include the following:
 - (j) Posting at the entry of the establishment that provides the telephone number for the area commander of the local law enforcement substation to any requesting individual.
 - (k) Coordinating efforts with the Police Department to monitor community complaints about the establishment's activities.
 - (l) Having a representative of the establishment meet with neighbors, or the applicable neighborhood association on a regular basis and at their request to attempt to resolve any neighborhood complaints regarding the establishment.
 - (m) Chilled Alcoholic Beverages. An off-sale alcoholic beverage sales establishment may be prohibited from maintaining refrigerated or otherwise chilled alcoholic beverages on the premises.
 - (n) Cups. In off-sale alcoholic beverage establishments, the sale or distribution to the customer of paper or plastic cups in quantities less than their usual and customary packaging may be prohibited.
 - (o) Hours of Operation. The City may limit the hours of operation for an alcoholic beverage sales activity or establishment.
 - (p) Signs. The following signs are required to be prominently posted in a readily visible manner on an interior wall or fixture, and not on windows, in English, Spanish, and any other predominant language of the patrons:
 - I. "California State Law prohibits the sale of alcoholic beverages to persons under 21 years of age."
 - II. "No Loitering or Public Drinking" signs shall be posted on the exterior of the business.
 - III. The business shall post E.A.S.Y. (Eliminate Alcohol Sales to Youth) materials that are visible from outside the business.
 - (a) The consumption or carrying of open containers of alcoholic beverages on the premises of the off-sale alcohol establishment is not permitted. Signs advising patrons of this prohibition shall be posted adjacent to the front door on the interior of the building.
 - (q) Mitigating Alcohol-Related Problems. The establishment shall be required to operate in a manner appropriate with

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- mitigating alcohol-related problems that negatively impact those individuals living or working in the neighborhood, including, but not limited to: sales to minors, the congregation of individuals, violence on or near the premises, drunkenness, public urination, solicitation, drug-dealing, drug use, loud noise, and litter.
- (r) Drug Paraphernalia. Off-sale alcoholic beverage establishment shall be prohibited from selling drug/tobacco paraphernalia products as defined in Health and Safety Code Sections 11014.5 and 11364.5. "Drug paraphernalia" means all equipment products and materials of any kind, that are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the California Uniform Controlled Substances Act, commencing with California Health and Safety Code Section 11000.
- (s) Loitering. The establishment's operators or employees shall be required to discourage loiterers on or near the premises and to ask persons loitering longer than 15 minutes to leave the area and contact local law enforcement officials for enforcement of applicable trespassing and loitering laws if persons requested to leave fail to do so.
- (t) Security Cameras. Prior to the initiation of alcoholic beverage sales activity, the most current technology for a video surveillance system with at least a seven day continuous recording capability shall be in place. Video recordings shall be archived for at least 30 days. The video surveillance system shall cover the entire exterior of the premises, including the parking lot and the entrances to the building.
- (u) Security Guards. An establishment may be required to retain a specified number of security guards. The number of security guards shall vary, based upon the specific facts and circumstances of each establishment site and operation. All security guards shall have all required state and City permits and licenses prior to the initiation of alcoholic beverage sales activity.
- (v) Prohibited Vegetation. Exterior vegetation shall not be planted or maintained, if it could be used as a hiding place for persons on the premises. Exterior vegetation shall be planted and maintained in a manner that minimizes its use as a hiding place.
- (w) Window Obstructions. No more than 20 percent of windows or clear doors shall bear advertising of any sort

and all advertising signage shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the premises, including the area in which the cash registers are maintained, from the exterior public sidewalk or entrance.

- (x) Training Program. The owners and all employees of the alcoholic beverage sales establishment who are involved in the sale of alcoholic beverages shall complete an approved course in "Responsible Beverage Sales" (RBS), or any other ABC approved course, within 60 days of hire for employees hired after the passage of the ordinance codified in this section or within six months of the passage of the ordinance codified in this section for existing employees. To satisfy this requirement, a certified program must meet the standards of the Alcohol Beverage Control Responsible Beverage Service Advisory Board, other certifying/licensing body Service Advisory Board, or other certifying/licensing body designated by the State of California.
- (y) Lighting. Exterior areas of the premises and adjacent parking lots shall be provided with sufficient lighting in a manner that provides adequate illumination for alcoholic beverage sales establishment patrons while not spilling onto surrounding parcels and rights-of-way. A photometric study may be required to demonstrate compliance once the use is initiated.
- (z) Expiration. The commission use permit or minor use permit shall be valid for the duration of the use, but if the alcohol sales license is revoked by the State of California, is transferred off-site or if the establishment does not sell alcohol for a period of 24 months or more, the use permit may be subject to revocation following a public hearing.

The applicable Review Authority has the discretion to impose additional condition(s) of approval as warranted by the application under consideration.

6. Modification or Revocation of a Commission Use Permit. A commission use permit or minor use permit for an alcoholic beverage sales activity or establishment may be modified or revoked by the Planning Commission pursuant to Lodi Municipal Code Chapter 17.76.070, for failure to comply with operational standards, training requirements, or conditions imposed through the commission use permit.

Notice of intention to modify or revoke shall be in writing and shall state the grounds therefor, pursuant to Lodi Municipal Code Section 17.76.070. At least 10 days before the date of the hearing, a notification shall be delivered in writing, via certified mail, with a return receipt requested.

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7. Appeal from Modification or Revocation of Commission Use Permit. Any applicant or other person aggrieved by a determination of the Planning Commission to modify or revoke a commission use permit may appeal the decision to the City Council pursuant to Lodi Municipal Code Chapter 17.38.
- E. Standards for Deemed Approved Alcoholic Beverage Sales.
1. Purpose. The purpose of these standards is to control dangerous or objectionable environmental effects of alcoholic beverage sales activities or establishments. These standards shall apply to all deemed approved alcoholic beverage sales activities or establishments under the Development Code for the purpose of achieving the following objectives:
- a. Protect surrounding neighborhoods from the harmful effects attributable to the sale of alcoholic beverages and to minimize the adverse impacts of nonconforming and incompatible uses.
 - b. Encourage businesses selling alcoholic beverages to operate in a manner that is mutually beneficial to other such businesses and other commercial and civic activities.
 - c. Provide a mechanism to address problems often associated with the public consumption of alcoholic beverages, such as litter, loitering, graffiti, and noise levels.
 - d. Ensure that businesses selling alcoholic beverages are not the source of undue public nuisances in the community.
 - a. Ensure that sites where alcoholic beverages are sold are properly maintained so that negative impacts generated by these activities are not harmful to the surrounding environment in any way.
- The provisions of this section are intended to complement the State of California alcohol-related laws. The City does not intend to replace or usurp any powers vested in the California Department of Alcoholic Beverage Control.
2. Automatic Deemed Approved Status. All alcoholic beverage sales activities or establishments, that were legal nonconforming activities or establishments, with respect to Chapter 17.68 of the Development Code, immediately before the effective date of the ordinance codified in this section shall automatically become deemed approved activities as of the effective date of the deemed approved alcoholic beverage sale regulations and shall no longer be considered legal nonconforming activities. Each deemed approved activity shall retain its deemed approved status as long as it complies with the operational standards in this chapter. However, any change in ABC license type including, but not limited to, a change from a type 20 to a type 21 license, or a substantial physical change of character of premises as defined in Title 4 of the California Code of Regulations Section 64-2(b), shall terminate the deemed approved status of the business activity and shall require a use permit or to continue operation. For purposes of this section, the approval of a use permit shall not be automatic upon termination of the activities deemed approved status.
3. Notification to Owners of Deemed Approved Activities. The City or its designated enforcement authority shall notify the owner of each deemed approved activity, and also the property owner if not the same, of the activity's deemed approved status. The notice shall be sent by regular mail and shall include a copy of the operational standards in this section with the requirement that they be posted in a conspicuous and unobstructed place visible from the entrance of the

establishment for public review. This notice shall also provide that the activity is required to comply with all operational standards and that the activity is required to comply with all other aspects of these regulations.

4. Termination and Discontinuance of Deemed Approved Status. Whenever an alcoholic beverage sales activity discontinues active operation for more than 180 consecutive days, ceases to be licensed by the State Department of Alcoholic Beverage Control (ABC) for a period of 180 days or greater, changes its activity so that ABC requires a different type of license, substantially changes its mode or character of operation, or extends its hours of operation, the deemed approved status shall be rescinded. Any subsequent alcoholic beverage sales commercial activity may be resumed only upon the granting of a use permit, pursuant to the procedures in this Chapter. However, this requirement shall not apply to a closure for restoration of premises rendered totally or partially inaccessible by an extraordinary natural event that cannot be reasonably foreseen or prevented (such as a flood or earthquake) or a toxic accident, provided that the restoration does not increase the square footage of the business used for the sale of alcoholic beverages. Nor shall this requirement apply to a closure for purposes of repair, if that repair does not change the nature of the premises and does not increase the square footage of the business used for the sale of alcoholic beverages.

If another use has been substituted before the 180 consecutive days have lapsed, then the original deemed approved activity shall not be resumed.

Once it is determined by the City that there has been a discontinuance of active operation for 180 consecutive days or a cessation of ABC licensing, the matter shall be reviewed in a public hearing by the Administrative Hearing Officer following the same notice and public hearing procedures outlined in Lodi Municipal Code Chapter 1.10.

The phrase "substantial change of the mode or character of operation" shall apply to on-sale and off-sale alcoholic beverage establishments and includes, but is not limited to, the following:

- a. The alcoholic beverage sales establishment increases the floor or land area or shelf space devoted to the display or sales of any alcoholic beverage.
- b. The alcoholic beverage sales establishment expands the sale or service of any alcoholic beverages and/or increases the number of customer seats primarily devoted to the sale or service of any alcoholic beverages.
- c. The alcoholic beverage sales establishment extends the hours of operation.
- d. The alcoholic beverage sales establishment proposes to reinstate alcohol sales after the ABC license has been either revoked or suspended for a period 180 days or greater by ABC.

The alcoholic beverage sales establishment voluntarily discontinues active operation for more than 180 consecutive days or ceases to be licensed by the ABC.

5. Operational Standards. A deemed approved alcoholic beverage sales activity or establishment ("deemed approved activity") shall retain its deemed approved

status only if it conforms to all of the following deemed approved operational standards:

- a. The deemed approved activity shall not cause adverse effects to the health, peace or safety of persons residing or working in the surrounding area.
- b. The deemed approved activity shall not jeopardize or endanger the public health, or safety of persons residing or working in the surrounding area.
- c. The deemed approved activity shall not allow repeated nuisance activities within the premises or in close proximity of the premises, including, but not limited to: disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, or lewd conduct.
- d. The deemed approved activity shall comply with all provisions of local, state or federal laws, regulations, or orders, including, but not limited to, those of the ABC, California Business and Professions Code Sections 24200, 24200.6, and 25612.5, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders. This includes compliance with annual City business license fees.
- e. The deemed approved activity's upkeep and operating characteristics shall be compatible with and not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.
- f. A copy of these operational standards, any applicable ABC or City operating conditions, and any training requirements shall be posted in at least one prominent place within the interior of the establishment where it will be readily visible and legible to the employees and patrons of the establishment.
- g. The owners and all employees of deemed approved establishments involved in the sale of alcoholic beverages shall complete an approved course in Licensee Education on Alcohol and Drugs (LEAD), or other "Responsible Beverage Service" (RBS) training or any other ABC approved course within 60 days of hire for employees hired after the passage of this Development Code, or within six months of the passage of the Development Code for existing employees. To satisfy this requirement, the RBS course must be recognized by the California Department of Alcoholic Beverage Control. The RBS course shall include at a minimum the following: a review of ABC laws and regulations; administrative, criminal and civil liabilities; acceptable forms of identification; and how to identify minors and persons already intoxicated.
 - i. Sit down restaurants that continue to serve menu items until closing and whose predominant function is the service of food and where the on-site sale of alcoholic beverages is incidental or secondary are exempt from this training requirement. Fraternal organizations and veterans' clubs with the on-sale of alcoholic beverage are exempt from this training requirement.

(Establishments which are primarily a bar or lounge or have a bar or lounge area as a principal or independent activity are not included in this exemption.)

- ii. Retail establishment containing 10,000 square feet or more with a maximum of 10 percent of its gross floor area devoted to the sale, storage and/or display of alcohol, and subject to this training requirement may elect to send only supervisory employees to the RBS training or any other ABC approved course. The supervisory employees would then be responsible for training all employees who are involved in the sale of alcoholic beverages

F. Violations and Penalties.

- 1. General. Any person or entity that violates or permits another person to violate any provision of this section is guilty of either an infraction or a misdemeanor.

- a. Any violation of this section may result in any or all of the following actions and/or fines:

- i. A misdemeanor punishable by either six months in jail, and/or \$1,000.00 fine;

- ii. Issuance of administrative citation(s) and/or an order to abate violation(s) of this section with a fine for each and every safety violation of \$1,000.00, plus any administrative expenses incurred in the enforcement of this section;

- iii. Administrative injunction ordering the action constituting a violation of this section to immediately cease and desist; such an order may require an order that the property be immediately vacated to protect the health, safety and welfare of the community;

- iv. In addition to all other remedies or penalties provided by law, violation of the provisions contained in this section are punishable in the same manner as set forth in Chapter 1.10, as follows:

- a. (A) \$200.00 administrative citation for the first violation;

- b. (B) \$500.00 administrative citation for the second and subsequent violations.

- b. Each day the violation(s) continue shall be deemed a new violation subject to additional citations, penalties, and fines.

- c. Violation of any provision of this section may be filed as an infraction or a misdemeanor at the discretion of the City Attorney.

- d. All fines shall be the obligation of the owner and/or responsible party and are due and payable within 30 days of issuance of the citation, provided that when a request for a hearing is made, the fines and administrative expenses shall be due and payable within 30 days of the date of the Administrative Hearing Officer's written decision. Any fine or administrative expense not paid within the time limits set forth shall be collected pursuant to Title 1 of the Lodi Municipal Code.

- e. Public Nuisance. In addition to the penalties provided in this section, any use or condition caused or permitted to exist in violation of any of the provisions of these regulations shall be and is declared to be a public nuisance and may be abated as such by the City.

- 2. Investigative Procedures of Potential Violations. Upon the City's receipt of a complaint from a Code Enforcement Officer, Police Officer or any other

interested person, that a commission use permit, or land development permit activity is in violation of the operational standards and conditions of approval contained in this section, the following procedures apply:

- a. The officials responsible for enforcement of the Development Code, or duly authorized representatives, may enter on any site or into any structure for the purpose of investigation, provided they shall do so in a reasonable manner, whenever they have cause to suspect a violation of any provision of these regulations, or whenever necessary to the investigation of violations to the deemed approved operational standards or conditions of approval prescribed in these regulations. An owner or occupant or agent thereof who refuses to permit such entry and investigation shall be guilty of infringing upon the violations and penalties as outlined in subsection (F)(1), and subject to related penalties thereof.
 - b. If the officials responsible for enforcement of the Development Code, or their duly authorized representatives, determine that the activity is in violation of the operational standards and/or conditions of approval, the Code Enforcement Officer may issue an administrative citation or an administrative civil penalties notice, which then may be subject to a hearing by the Administrative Hearing Officer.
 - c. Any administrative citation or administrative civil penalties notice issued under this section shall be issued, processed, and enforced in compliance with the provisions of Lodi Municipal Code, unless otherwise expressly provided herein.
3. Administrative Hearing Officer. Upon the filing of an appeal, the City shall appoint an Administrative Hearing Officer, pursuant to Lodi Municipal Code Chapter 1.10, to conduct hearings, make findings, and determine whether violations of the operational standards and conditions of approval, as well as whether undue negative impacts or public nuisance activities have occurred, are occurring, or are likely to occur in the future. The assigned Administrative Hearing Officer shall exercise all powers and authority delegated to him/her by Lodi Municipal Code Chapter 1.10.

The Administrative Hearing Officer shall determine whether the activity is in compliance with the operational standards and/or conditions of approval of the commission use permit, land development permit, or deemed approved status.

In reaching a determination as to whether a use has violated the standards or conditions of approval of the commission use permit, land development permit, or deemed approved status, or as to the appropriateness of imposing additional or amended conditions on a use, recommending revocation of a use, or assessing administrative or civil penalties, the Administrative Hearing Officer may consider:

- a. The length of time the activity has been out of compliance.
 - b. The impact of the violation on the community.
 - c. Any information regarding the owner of the activity's efforts to remedy the violation.

"Efforts to remedy" shall include, but are not limited to:

- a. Timely calls to the Police Department that are placed by the use permit holder or responsible party.

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- b. Requesting that those persons engaging in activities causing violations of the operational standards and/or conditions of approval, cease those activities, unless the use permit holder or responsible party.
 - c. Making improvements to the property or operations, including, but not limited to, the installation of lighting sufficient to illuminate the area within the property line, the installation of security cameras, the clearing of window obstructions, the cleaning of sidewalks, and the abatement of graffiti.

Based on this determination, the Administrative Hearing Officer may find that the establishment is:

- i. In compliance with the operational standards or conditions of approval of the use permit, or deemed approved status and dismiss the citation; or
- ii. In violation of the operational standards or conditions of approval of the use permit, or deemed approved status and impose administrative civil penalties, pursuant to Lodi Municipal Code Chapter 1.10; or
- iii. In violation of the operational standards or conditions of approval of the commission use permit, land development permit, or deemed approved status and impose reasonable conditions, similar to those imposed on new alcoholic beverage sales activities or establishments in subsection (D)(5)(a) and (b), to ensure compliance with the operational standards or conditions of approval of the commission use permit, or land development permit, or deemed approved status; or
- iv. In violation of the operational standards or conditions of approval of the commission use permit, land development permit, or deemed approved status and refer the matter to the Planning Commission with a recommendation to modify or revoke the use permit, or deemed approved status, in accordance with the Lodi Municipal Code Chapter.

If in the judgment of the Administrative Hearing Officer, the establishment's activities constitute a nuisance, the owner is unable or unwilling to abate the nuisance, and the nuisance is shown to be a threat to the public health and safety of the surrounding neighborhood, the Administrative Hearing Officer may recommend that the Planning Commission modify or revoke the activity's use permit.

The decision of the Administrative Hearing Officer shall become final and conclusive 10 calendar days after the date of decision, unless the decision is appealed in accordance with the procedures for filing and processing of appeals provided in the Lodi Municipal Code Section. In addition to the requirements of the Lodi Municipal Code, any interested party must enter into the record any issues and/or oral, written, and/or

documentary evidence for the consideration of the applicable Review Authority.

SECTION 10. Lodi Municipal Code Title 17 – Development Code – Article 3 “Site Planning and General Development Standards”, Chapter 17.36 “Standards for Specific Land Uses”, Section 17.36.240 “Problem uses”, is hereby added as follows:

17.36.240 – Problem uses

This section provides criteria for the establishment of uses identified as "problem uses" as defined in Article 7, subject to the approval of a use permit in compliance with Chapter 17.40 (Permit Approval or Disapproval):

A. Purpose. To prevent the blight and deterioration caused by problem uses upon surrounding areas in all parts of the City by dispersing such activities to minimize their adverse impacts.

B. Criteria. The following criteria shall be considered for problem uses:

1. The proposed use with respect to the proximity and type of other problem uses;
2. The effect of dispersal or concentration of problem uses in the general area;
3. The effect that the proposed use is likely to have on the neighborhood;
4. The noise, traffic, and/or visual impacts, as well as other relevant factors, on the compatibility of the proposed use with the surrounding institutional, business, and residential uses;
5. The potential of the proposed use to create or increase loitering or vandalism in the area; and
6. The degree that traffic safety, both on-and off-site, will be adversely affected by the proposed activity.

C. Findings. The Commission shall consider the criteria in subsection B of this section, and make the findings in compliance with Section 17.40.040(F) (Findings and Decision) before a use permit can be approved.

SECTION 11. Lodi Municipal Code Title 17 – Development Code – Article 4 “Land Use and Development Permit Procedures”, Chapter 17.40 “Permit Approval or Disapproval”, Section 17.40.020 “Site plan and architectural approval”, is hereby amended as follows:

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;
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 <u>residential</u> 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 <u>residential</u> the R-1, R-1E, and R-2 zoning districts. ⁽¹⁾			✓
Multi-family dwellings and accessory structures in the RMD, and RHD , <u>MCO, and DMU</u> zoning districts. ⁽⁴⁾			✓
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 fifty 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 ten thousand square feet, even though individual structures may be less than ten thousand square feet.
 - (4) Site plan and architectural approval shall be required for new multi-family projects on vacant parcels and new construction, additions or reconstruction projects that are equal to fifty percent or greater of the floor area of the existing structures on a developed site.
- 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.
- 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.

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- 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.

SECTION 12. Lodi Municipal Code Title 17 – Development Code – Article 4 “Land Use and Development Permit Procedures”, Chapter 17.40 “Permit Approval or Disapproval”, Section 17.40.050 “Variances and administrative deviations”, is hereby amended as follows:

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).

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 17.14.10030.080 (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. 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 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.;

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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 Filing 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;
 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

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- 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.

(Ord. No. 1869, § 2, 2-20-2013)

SECTION 13. Lodi Municipal Code Title 17 – Development Code – Article 7 “Definitions”, Chapter 17.78 “Definitions”, Section 17.78.020 “Definitions of specialized terms and phrases”, is hereby amended as follows:

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" means the U.S. Army Corps of Engineers, the federal agency responsible for issuing wetlands delineations.

"Accessory dwelling units" means 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" means 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" means 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" means 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" means 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.

"Acting in concert with" means a person "acting in concert with the owner" means a person that has common ownership or control of the subject parcel with the owner of the adjacent parcel, a person acting on behalf of, acting for the predominant benefit of, acting on the instructions of, or actively cooperating with, the owner of the parcel being subdivided.

"Adult entertainment businesses" means 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" means an ownership or rental housing unit as required by this section, which is affordable by households with very low or low income.

"Agent" means 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" means 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" means the retail sale of beer, wine, and/or other alcoholic beverages for on- or off-premises consumption.~~

"Alley" means a public or private roadway, generally not more than thirty 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" means 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" means 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" means 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" means 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 radio 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 eighteen feet in height. Also called omnidirectional, stick or pipe antennas.

"Animal raising" means the keeping/raising of farm animals, including cattle, goats, horses, sheep, swine (including potbellied 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" means any person, firm, partnership, association, joint venture, corporation, or an entity or combination of entities which seeks city permits and approvals.

"Approval" means includes both approval and approval with conditions.

"Area, lot." See "lot area."

"Art, antique, collectible, and gift stores" means 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" means 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" means the area located between the uppermost plate and the roof or ridge of a structure.

"Auto parts sales" means 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" means 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" means 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)" means 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" means 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" means 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; twenty-four-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)" means 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" means 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" means 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" means 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)" means 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)" means the governmental agency which regulates the terms and conditions of public utilities in the state.

"Car share" means a service through which vehicles are made available for hourly or daily use. Vehicles are typically picked up and dropped off at designated parking locations within the community and are made available to provide flexible access to a vehicle.

"Car washes" means 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" means 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" means a residence that is accessory to a nonresidential primary use of the site, where needed for security, or twenty-four-hour care or supervision.

"Cell site" means a geographical area with a radius of two to eight miles that contains both transmitting and receiving antennae.

"Cellular" means 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" means a certificate issued by the California Public Utilities Commission (CPUC).

"City" means the city of Lodi referred to in this development code as the "city."

"City council" means the Lodi City Council, referred to in this development code as the "council."

"City resident" means 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" means 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;

Civic, social, and fraternal organizations;

Labor unions and similar organizations;

Political organizations;

Professional membership organizations;

Other membership organizations.

"Co-location" means the locating of wireless communications equipment from more than one provider on a single ground-mounted, roof-mounted, or structure-mounted facility.

"Commissary" means a food facility that services motorized food wagons where any of the following occur:

1. Food containers or supplies are stored.
2. Food is prepared or prepackaged for sale or service at other locations.
3. Utensils are cleaned.
4. Liquid and solid wastes are disposed, or potable water is obtained.

"Commission." See "planning commission."

"Common interest development" means any residential condominium, community apartment house, or stock cooperative.

"Community care facility" means any place or building which is maintained and operated to provide twenty-four-hour nonmedical 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 twenty-four-hour nonmedical 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 twenty-four 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 ten who live in the licensee's home, if all of the following conditions are met:

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- i. At least two of the children are at least six years of age.
 - ii. No more than two infants are cared for during any time when more than six children are being cared for.
 - iii. The licensee notifies each parent that the facility is caring for two additional school age children and that there may be up to seven or eight children in the home at one time.
 - iv. The licensee obtains the written consent of the property owner when the family day care home is operated on property that is leased or rented.
 - b. Large Family Day Care Home. A home that provides family child care for up to twelve children, or for up to fourteen children, including children under age ten who live in the licensee's home and the assistant provider's children under age ten, if all of the following criteria are met:
 - i. At least two of the children are at least six years of age.
 - ii. No more than three infants are cared for during any time when more than twelve children are being cared for.
 - iii. The licensee notifies each parent that the facility is caring for two additional school age children and that there may be up to thirteen or fourteen children in the home at one time.
 - iv. The licensee obtains the written consent of the property owner when the family day care home is operated on property that is leased or rented.
 3. Day Care Center. Commercial or nonprofit child or adult day care facilities designed and approved to accommodate fifteen 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" means 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" means a site used for growing plants for food, fiber, herbs, flowers, which is shared and maintained by nearby residents.

"Community space" means 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, nonprescription 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" means 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" means retail establishments selling or renting heavy construction equipment, including cranes, earth moving equipment, heavy trucks, etc.

"Contractor storage yards" means 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" means retail stores of generally three thousand five hundred square feet or less in gross floor area, which carry a range of merchandise oriented to convenience and travelers' shopping needs.

"County" means the county of San Joaquin, State of California.

"Cottage Court" also known as bungalow courts, means a group of three to 10 small (1 to 1.5-story), detached structures arranged around a shared open space courtyard visible from the street. The shared courtyard is an important community-enhancing element and unit entrances should be from the shared court, which replaces the function of a rear yard. Rear-most building may be up to two stories.

"Crop production" means commercial agricultural field and orchard uses including production of:

- Field crops;
- Flowers and seeds;
- Fruits;
- Grains;
- Grapes;
- Melons;
- Ornamental crops;
- Tree nuts;
- Trees and sod;
- 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" means the number of housing units per net acre, unless otherwise stated, for residential uses.

"Department" means the Lodi Community Development Department, referred to in this development code as "department."

"Detached" means any structure that does not have a wall or roof in common with another structure.

"Developer" means any person, firm, partnership, association, joint venture, corporation, or an entity or combination of entities that seeks city permits and approvals for development.

"Development" means 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" means 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" means the Lodi Development Code, Title 17 of the Lodi Municipal Code, referred to herein as "this development code."

"Development standards" means the provisions of Lodi Development Code.

"Director" means the city of Lodi Community Development Director, or designee of the director.

"District." See "zoning district."

"Drive-in and drive-thru sales" means 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" means 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" means a small, detached structure that consists of two dwelling units arranged one above the other, or side by side, with an entry from the street. This type has the appearance of small-to-medium single-unit house. This includes duplexes that are side by side and stacked.~~residential structure under single ownership containing two dwellings.~~

"Dwelling, dwelling unit, or housing unit" means 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" means 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" means 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" means 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" means 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").

"Emergency Shelter" (Land Use) means temporary housing with minimal support services for homeless persons that is limited to occupancy of six (6) months; however, extensions of stay may be granted on a case-by-case basis to support the transition of shelter residents into stable housing or to address individual needs, including medical or personal circumstances, and is operated by a government agency or private non-profit organization. Emergency shelters may be in the form of dormitory or congregate housing, or individual shelters. Operations may be seasonal or year-round and client services may be offered, including but not limited to, counseling, medical evaluation, and job/life skills training in addition to food, and showers. Emergency shelters shall include interim housing interventions including but not limited to a navigation center, bridge housing, and respite or recuperative care. No individual or household may be denied emergency shelter because of an inability to pay. An emergency shelter is a use by right in in mixed use or commercial zoning districts permitting multifamily dwellings.

"Enhanced specialized mobile radio" means a digital wireless communication technology that specializes in providing dispatching services.

"Enlargement of use" means 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)" means 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" means service establishments which may offer a wide variety of materials and equipment for rental. Construction equipment rental is separately defined.

F. Definitions, "F."

"Family" means 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" means 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-family). Seasonal or migrant farmworker housing is treated the same as group residential.

"Feasible" means 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" means the area in square feet of all floors within a building, measured from the outside surfaces of the exterior walls.

"Floor area ratio (FAR)" means 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 ($FAR \times \text{net site area} = \text{maximum allowable floor area}$).

"Flower tower" means a structure that integrates a monopole into a light pole or other utility pole.

"Food and beverage manufacturing" means 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 nonalcoholic.

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").

"Food truck park" means an open-air facility that is designed to accommodate two (2) or more operating motorized food wagons to offer food or beverages for sale to the public located on a developed lot or parcel(s). The food truck park is strictly for the sale of foods or beverages. The scale of uses that encompass the food truck park include food truck pod, food truck hub, food truck plaza, and food truck park/commissary co-location.

"Food truck pod" means an open-air facility that is designed to accommodate two (2) to five (5) operating motorized food wagons to offer food or beverages for sale to the public located on a developed lot or parcel(s).

“Food truck hub” means an open-air facility that is designed to accommodate six (6) to nine (9) operating motorized food wagons to offer food or beverages for sale to the public located on a developed lot or parcel(s).

“Food truck plaza” means an open-air facility that is designed to accommodate 10 or more operating motorized food wagons to offer food or beverages for sale to the public located on a developed lot or parcel(s).

“Food truck park/commissary co-location” means a land use intended to accommodate motorized food wagons that offer food or beverages for sale to the public and provide the required commissary services to those motorized food wagons residing at the site.

“Fourplex” means a detached structure with four dwelling units under one roof that has the appearance of a medium-sized single-unit house, either stacked with two units on the ground floor and two above, with a shared entry from the street, or otherwise connected under one roof.

“Furniture, furnishings and appliance stores” means 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” means 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 planning mills.

G. Definitions, "G."

"Garage, or carport" means 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" means 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" means 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" means 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" means 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" means 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" means 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" means 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" means 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" means 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" means 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" means 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" means 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" means shrubs and/or trees planted and maintained at a spacing interval which creates a physical and/or visual barrier.

"Heliport" means a designated, marked area on the ground or the top of a structure where helicopters may land at any time.

"Home occupations" means 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" means facilities with guest rooms or suites, provided with or without kitchen facilities, rented to the general public for transient lodging (less than thirty 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" means the keeping/raising of birds, cats, dogs, or other common household pets, as determined by the director, accessory to a residential use.

"Housing costs" means the monthly mortgage principal and interest, property taxes, homeowner's insurance, and condominium fees, where applicable, for ownership units; and the monthly rent for rental units.

"HUD" means the United States Department of Housing and Urban Development or its successor.

I. Definitions, "I."

"Illegal building or use" means 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" means 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" means 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 nonmedical services, such as transportation, are sometimes offered.

"Indoor amusement/entertainment facilities" means 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 fifty 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" means 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" means 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" means a room or space within a building intended to be used for the cooking or preparation of food.

L. Definitions, "L."

"Land use permit" means 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" means 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" means a structure with three or four steel support legs that supports a variety of antennae. These towers generally range in height from sixty to two hundred 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" means 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" means 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 noncommercial, other than an accessory gift/book shop.

"License" means a basic permit issued by a licensing agency to operate a community care facility.

"Licensing agency" means 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" means 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" means 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 one hundred thirty-five degrees. If the intersection angle is more than one hundred thirty-five 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" means 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" means 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" means 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" means the boundary of a lot adjacent to a public street right-of-way.

"Lot line or property line" means 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.

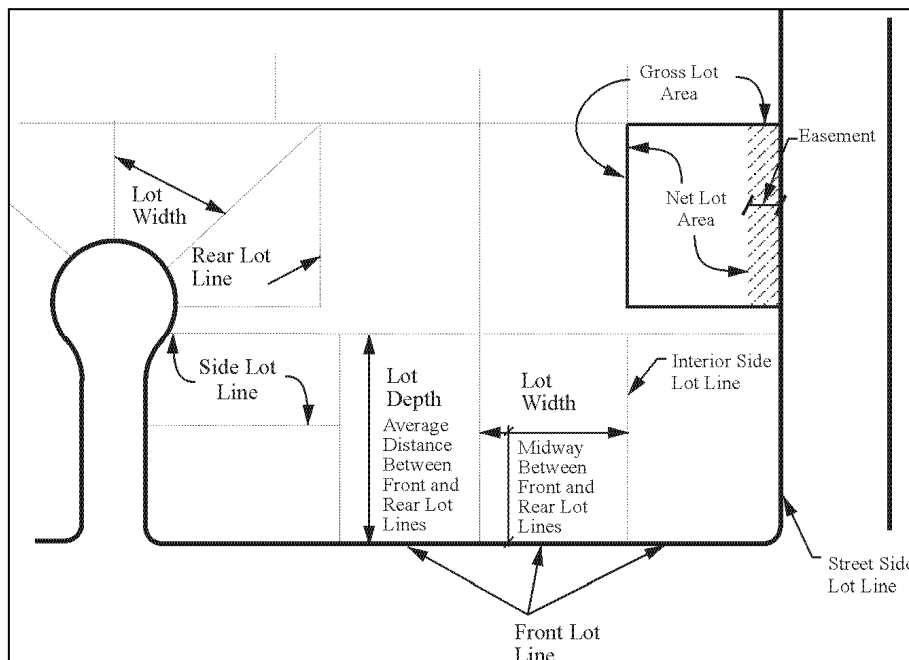


FIGURE 7-1 - LOT FEATURES

"Lot of record" means a parcel of land held in separate ownership as shown on the county assessors records at the time of the passage of the ordinance codified in this title.

"Lot Width" means 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.

"Low Barrier Navigation Center" means a housing first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. Low-Barrier Navigation Centers prioritize accessibility by reducing entry requirements, such as sobriety, participation in treatment programs, or documentation, to ensure broad access for people in need. A low barrier navigation center development is a use by right in mixed use, industrial, or commercial zoning districts permitting multifamily dwellings, upon compliance with the provisions of Government Code Section 65660 et seq.

M. Definitions, "M."

"Map Act." See "Subdivision Map Act."

"Medical services—clinics, offices, and laboratories" means 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" means 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" means 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" means 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" means a facility where beer brewed on the premises is sold for on-site consumption.

"Microcell" means a wireless communication facility that:

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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 ten square feet in surface area;
 3. Has an array of antennae less than ten 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" means a project which combines both commercial and residential uses, where the residential component is typically located above the commercial.

"Mobile home" means 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 forty 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" means 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.

"Monopole" means a single, ground-mounted, self-supporting pole-type structure, tapering from base to top and supporting a fixture designed to hold one or more antennas. For the purpose of this title, any tree pole, flagpole, bell tower, clock tower, windmill or other similar ground-mounted, self-supporting structure that is designed to disguise antennas and their support structures shall also be deemed to be a monopole, however a monopole shall not be deemed to be a transmission tower.

"Mortuaries and funeral homes" means funeral homes and parlors, where deceased are prepared for burial or cremation, and funeral services may be conducted.

"Mounted" means attached or supported.

"Multi-family dwellings" means 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" means 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" means 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" means 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" means 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" means 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" means 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" means all or a portion of a structure occupied by one tenant.

"Offices" means 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" means 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" means 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" means 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" means 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" means 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" means 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" means 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" means public parks, play lots, playgrounds, and athletic fields for noncommercial neighborhood or community use, including tennis courts. See also "outdoor recreation facilities."

"Pawn shops" means indoor retail establishments that accept personal property as collateral for loans, and offer the property for sale to the public.

"Pedestrian orientation" means 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;

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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" means 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" means any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

"Person" means 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" means 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" means establishments providing nonmedical services as a primary use, including, but not limited to:

- Barber and beauty shops;
- Clothing rental;
- Dry cleaning pick-up stores with limited equipment;
- Home electronics and small appliance repair;
- Laundromats (self-service laundries);
- Massage (licensed, therapeutic, nonsexual);
- Psychic readers;
- Shoe repair shops;
- Spas and hot tubs;
- Tailors;
- Tanning salons;
- Tattoo parlors.

These uses may also include accessory retail sales of products related to the services provided.

"Planning commission" means 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" means 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" means a structure that accommodates the primary use of the site.

"Primary use" means 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" means the zoning district applied to a site by the zoning map, to which an overlay zoning district may also be applied.

"Printing and publishing" means 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" means a wireless communication facility that has not been granted a certificate of public convenience and Necessity by the California Public Utilities Commission (CPUC).

"Problem Use" means the off-sale of alcoholic beverages, bars, and night clubs with the on-sale of alcoholic beverages shall be deemed a problem use, subject to a use permit and resulting conditions of approval in compliance with Chapter 17.40 (Permit Approval or Disapproval) and the requirements of Section 17.36.240 (Problem uses).

"Project" means proposed development or a new land use.

"Property line" means the recorded boundary of a parcel of land.

"Proposed project" means 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" means facilities operated by public agencies including fire stations, other fire prevention and firefighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities.

"Public utility facilities" means 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" means 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" means 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" means electromagnetic radiation in the portion of the spectrum from three kilohertz to three hundred gigahertz.

"Recreational vehicle (RV)" means 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 three hundred twenty 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 four hundred 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" means 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" means 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" means 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 five hundred 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

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- 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 fifty 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 five hundred 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:
 - i. Light processing facility occupies an area of under forty-five thousand 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
 - ii. 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" means 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" means legal provisions by which the sale of affordable units will be controlled to ensure that the unit is affordable by very low- or low-income households over time.

"Research and development (R&D)" means 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" means any of the residential zoning districts established by Section 17.10.020 (Zoning Districts Established).

"Residential project" means a housing development at one location including all units for which permits have been applied for or approved within a twelve-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" means facilities for the temporary shelter and feeding of indigents or disaster victims, operated by a public or nonprofit agency.

"Restaurant" means a retail business selling ready-to-eat food for on- or off-premises consumption. These include eating establishments where customers are served from a walk-up ordering counter for either on- or off-premises consumption, and establishments where most customers are served food at tables for on-premises consumption, but may include providing food for take-out. Also includes coffee houses.

"Review authority" means 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" means 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" means the renting of individual bedrooms within a dwelling to two or more unrelated people, whether or not meals are provided.

S. Definitions, "S."

"Schools" means 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" means 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" means the permits issued by U.S. Army Corps of Engineers (ACE) establishing wetlands delineations and conditions governing activities therein.

"Senior apartments" means multifamily residential projects where occupancy is limited to people of fifty-five years of age or older.

"Senior continuum of care complex." See "community care facility" and "medical services—extended care".

"Senior citizen" means an adult fifty-five years or older.

"Setback" means 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.

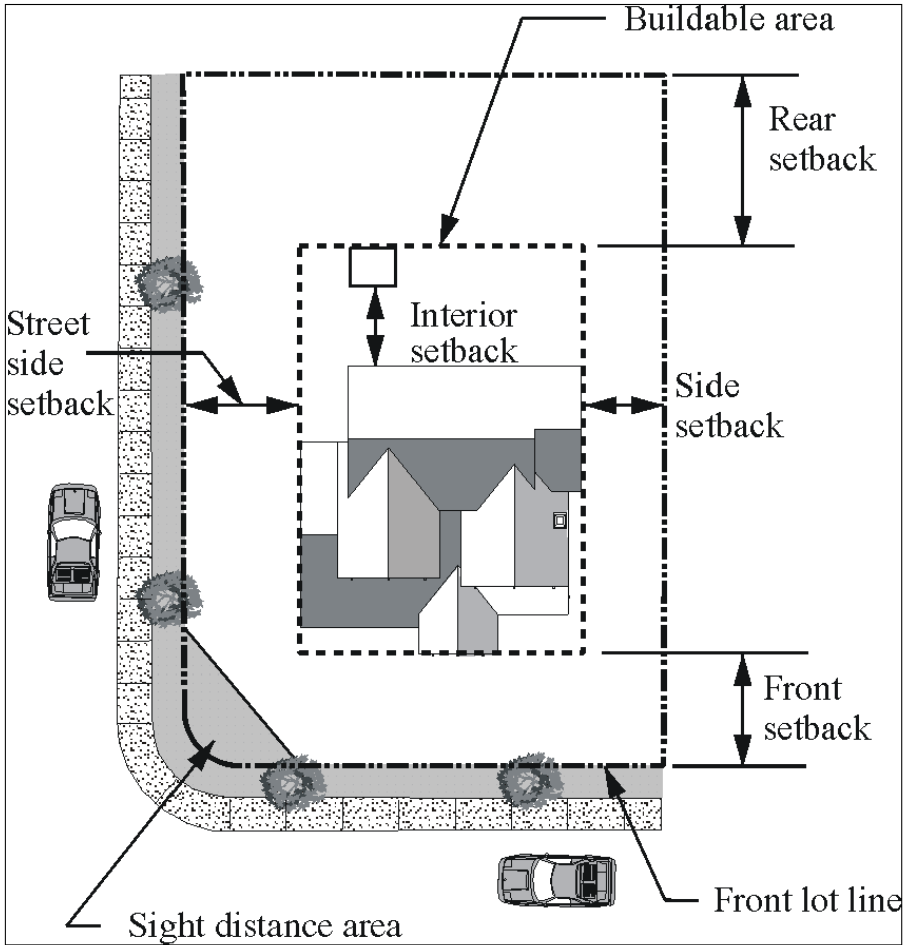


FIGURE 7-2 LOCATION AND MEASUREMENT OF SETBACKS

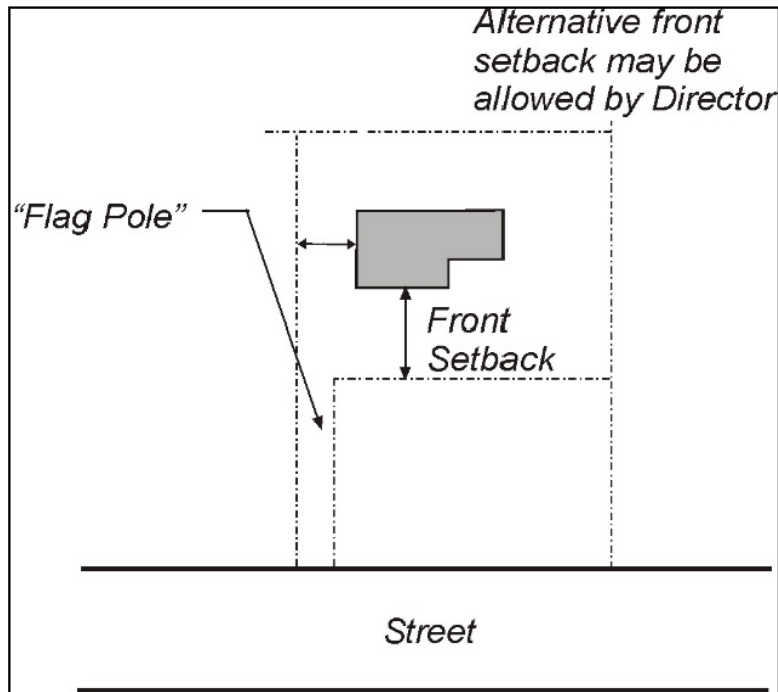


FIGURE 7-3 FLAG LOT SETBACKS

"Short-term rental" means a residential dwelling unit, or a portion of a residential dwelling unit, that is rented, or offered for rent, for compensation or consideration, for a period of 30 consecutive days or less.

"Sign" means 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 ninety 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 nonrigid 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.

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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 thirty 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 ninety days;

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- c. A sign that was legally erected which later became nonconforming as a result of the adoption of an ordinance, the amortization period for the display provided by the ordinance rendering the display conforming has expired, and conformance has not been accomplished;
 - d. A sign that was legally erected which later became nonconforming and then was damaged to the extent of fifty 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 premises 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.

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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" means 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" means 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" means 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" means a parcel or adjoining parcels under single ownership or single control, considered a unit for the purposes of development or other use.

"Site coverage" means 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).

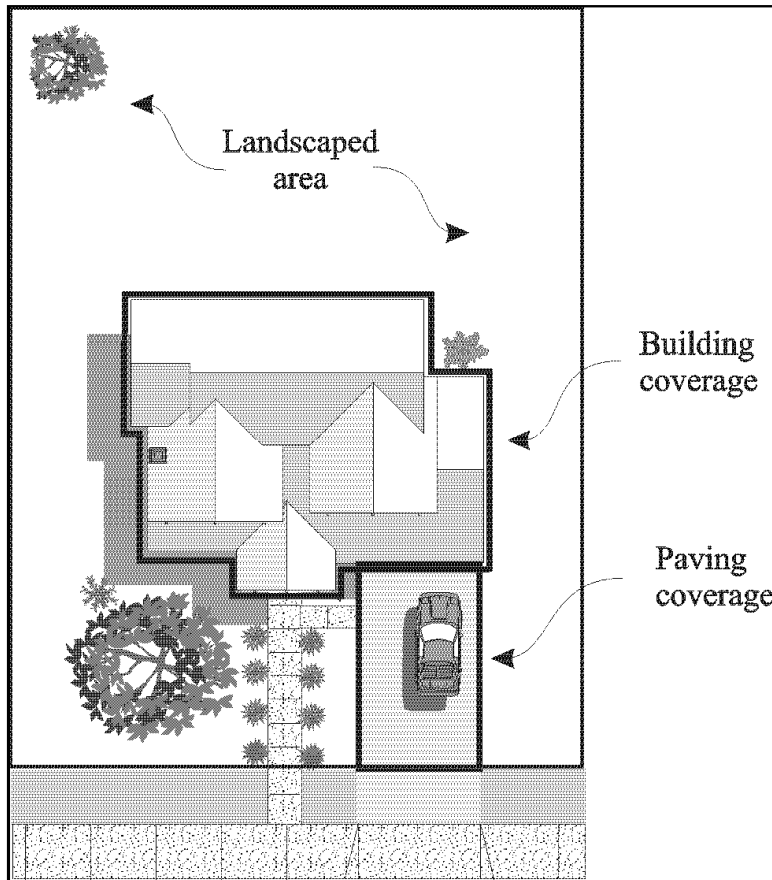


FIGURE 7-4 SITE COVERAGE

"Skilled nursing facility." See "medical services—extended care."

"Stealth facility" means 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" means 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" means the storage of various materials outside of a structure other than fencing, either as an accessory or principal use.

"Street" means 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" means the boundary between a street right-of-way and property.

"Structure" means 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" means 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." means 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" means the division, by any sub divider, 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" means division 2, Title 7 of the California Government Code, commencing with Section 66410 as presently constituted, and any amendments to those provisions.

"Supportive housing" means 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" means 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" means 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" means a use of land that is designed, operated and occupies a site for a limited period of time, typically less than twelve months.

"Tenant" means a person who occupies land or property rented from a landlord.

"Theaters and auditoriums" means 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" means 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 predetermined 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.

"Tobacco retailer establishment" means any land use from which a person sells, offers for sale, or exchanges or offers to exchange for any form of consideration, tobacco products. Tobacco Retail Establishment includes, but is not limited to, grocery stores, cigar bars, convenience stores, liquor stores, hookah lounges, gasoline and other automobile service stations, bars, restaurants, and hotels. This does not include establishments conducting ancillary sale of tobacco products.

"Triplex" means a small-to medium-sized detached structure that consists of three dwelling units typically stacked on top of each other on consecutive floors, with one entry for the ground floor units and an entry for the units above.

"Truck and freight terminals" means 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.

These uses do not include office or customer service centers (classified in "offices"), or equipment and material storage yards.

"Two unit urban residential development" means development of dwelling units and accessory dwelling units per Section 17.36.160 of this Code.

U. Definitions, "U."

"Utility infrastructure" means 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" means a discretionary entitlement that may waive or relax the development standards of this development code, in compliance with Section 17.40.050 (Variances).

"Vehicle service" means 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" means 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" means resulting from free will.

W. Definitions, "W."

"Warehouse retail" means 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" means 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" means 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" means 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" means 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" means 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" means 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" means the Lodi Development Code, Title 17 of the Lodi Municipal Code, referred to herein as "this development code."

(Ord. No. 1869, § 2, 2-20-2013; Ord. No. 1990, § 2, 1-9-2022; Ord. No. 2013, § 3, 12-7-2022)

SECTION 10. SEVERABILITY

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

SECTION 11. 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 towards

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 12. NO CONFLICT.

All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 13. PUBLICATION.

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the Ordinance within fifteen (15) days after its passage, a summary of the Ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council, and a certified copy shall be posted in the office of the City Clerk pursuant to Government Code section 36933(c)(1).

Approved this ____ day of _____, 2025

CAMERON BREGMAN
Mayor

Attest:

OLIVIA NASHED, City Clerk

State of California
County of San Joaquin, ss.

I, Olivia Nashed, 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 _____, 2025, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held _____, 2025, 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.

OLIVIA NASHED
City Clerk

Approved as to Form:

KATIE O. LUCCHESI
City Attorney