

NOTE: Deletions in ~~strikethrough~~, additions in *red italic*.

Ordinance No. 2019-0000

Month xx, 2019

AN ORDINANCE AMENDING SECTIONS *5.08.250, 6.04.430, 8.68.040, 16.20.020, 16.80.060, 16.80.260, 16.80.280, 16.164.030, AND 16.240.020* IN TITLES *5, 6 AND 16*, AND AMENDING, ADDING *SECTION 16.80.350*, AND REPEALING VARIOUS SECTIONS IN TITLE *16* OF THE STOCKTON MUNICIPAL CODE, RELATING TO URBAN AGRICULTURE

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

**SECTION I. FINDINGS AND INTENT**

The City Council of the City of Stockton finds that the current Stockton Municipal Code requires amendments to provide development and standards for urban agriculture.

**SECTION II. AMENDMENT OF CODE**

Section 5.08.250 of the Stockton Municipal Code is amended as follows:

- A. An itinerant merchant under this title shall be deemed to mean and include any person or persons, firm, or corporation, either principal or agent, employer or employee who engages in a temporary business in the City by selling or offering for sale goods, wares, merchandise, or things or articles of value for a period of ~~not~~ more than 190 days in any calendar year, and who, for the purpose of carrying on such business hires, leases, or occupies any room, building, structure or stand on any real property, or on or adjoining any street or public place in the City. The person, firm or corporation so engaged shall not be relieved from the provisions of this section by reason of associating temporarily any local dealer, trader, merchant or auctioneer, or by reasons of conducting such temporary business in connection with or as part of any local business, or in the name of any local dealer, trader, merchant or auctioneer.
  1. *Urban agriculture stands are exempt from this provision.*
- C. ~~B.~~ Every person, firm or corporation engaged in the business of an itinerant merchant shall pay a license fee of \$600.00 per year, or \$200.00 per quarter or portion thereof, or \$5.00 for a single day event, \$10.00 for a two (2) or three (3) day event and \$5.00 per day for an event lasting four (4) days or longer.
- D. ~~C.~~ Any itinerant merchant who, as a seller of any article is required to obtain a State vendor's permit, pursuant to the provisions of Revenue and Taxation Code Section 6066 et seq., shall, prior to the issuance of a permit by the City, produce satisfactory proof of possession of such a State vendor's permit.
- E. ~~D.~~ Every sale in the normal course of business of such itinerant merchant within the City shall be recorded or memorialized on sequentially numbered receipts which shall contain, at a minimum, the following information:
  1. The name of the seller,
  2. The date of the sale,
  3. The price paid,

4. A description of the item(s) sold.

It shall be the duty of the itinerant merchant to retain such records for the period of three (3) years from the date of sale or the period prescribed by law for the retention of records for Federal income tax purposes, whichever is longer. (Prior code § 6-034.19)

### **SECTION III. AMENDMENT OF CODE**

Section 6.04.430 of the Stockton Municipal Code is amended as follows:

It is unlawful for any person, firm, or corporation owning or having possession of any domestic or wild animal (excluding dogs and cats), reptile, cattle, horse, mule, goat, sheep, swine, or any fowl to permit the same to run or go upon the public or private premises of any other person, firm, or corporation; or upon any park or public street or highway within the City *except where permitted within a particular zone or district as provided in the Development Code of the City.* (Ord. 021-07 C.S. § 2; prior code § 7-131.1)

### **SECTION IV. AMENDMENT OF CODE**

Section 8.68.040 of the Stockton Municipal Code is amended as follows:

It is unlawful to keep meat, game, fish, vegetables, fruit or other prepared food stuffs in an open receptacle less than two (2) feet above the floor. It is also unlawful to keep meat, vegetables, fruit, fish, dairy products, cooked meats, figs, dates, dried fruit, olives, sauerkraut, mince meat, lard, butter, butterine, candy, crackers, cakes, bread or any prepared food, exposed for sale in the open air, to the action of moisture, soot, dust and flies in the front of any shop, store, or other place. (Prior code § 7-022)

*In the case of open air uses such as farmers markets, produce stands, and uses deemed similar by the Director; vegetables, fruit, figs, dates, and/or nuts may be exposed for sale in the open air during operating hours only.*

### **SECTION V. AMENDMENT OF CODE**

Section 16.20.020 of the Stockton Municipal Code is amended as follows:

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

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

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

b. **Land Development Permit (L).** All land uses shown as “L” in the table that require construction of new structures or improvements, the expansion of an existing facility, or a change to a more intensive use, as determined by the Director, require the approval of a land development permit (Chapter 16.136). If

there will be no construction, expansion of an existing facility, or a change to a more intensive use, the use is allowed without a new land development permit.

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

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

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

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

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

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

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

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

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

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

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

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

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

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS
	RE	RL	RM	RH	CO	CN	CG	CD	CL	CA	IL	IG	PT	PF	OS	
<b>AGRICULTURAL AND RESOURCE-RELATED USES</b>																
Adult-use cannabis cultivation												P	P	P		
Agricultural activities & facilities	P												P	P		A
Conservation areas	L	L	L	L	L		L	L	L	L	L	L	L	L	L	
Medical cannabis cultivation												C	C	C		
Mining												A	A	A	A	
<i>Urban Agriculture</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>
<b>BUSINESS AND PROFESSIONAL USES</b>																
Banks and financial services					P	P	P	P	P	P				P		
Business support services						P	P	P	P	P			P	P		
Offices					P	A	P	P	P	P			A	P	L	
<b>INDUSTRY, MANUFACTURING &amp; PROCESSING USES</b>																
Electricity generating plants/ facilities other than nuclear												C	C	P	P	
Electronics, equipment & appliance manufacturing												P	P	P		
Fabric product manufacturing								P				P	P	P		
Food and beverage product manufacturing								P				P	P	P		
Furniture and fixtures manufacturing												P	P	P		
Handcraft industries, small-scale manufacturing								P				P	P	P		
Laundries and dry cleaning plants												P	P	P		
Manufacturing																
Light												P	P	P		
Heavy													A	P		
Medical cannabis distribution																
Medical cannabis manufacturer																
Medical cannabis testing laboratory																
Metal products fabrication, machine/welding shops												P	P	P		
Petroleum storage and distribution													A	P		
Printing and publishing								P		L		P	P	P	L	
Recycling and waste facilities																
Collection facility							L	L	L			P	P	P	L	
Redemption centers																
Major							C	C	C			C	C	C	C	
Minor							A	A	A			A	A	A	A	
Recycling facility													A	P	A	
Scrap and dismantling yards													A	P		
Transfer stations													C	P	A	
Research & development (R&D)								A		L		P	P	P	L	

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

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS
	RE	RL	RM	RH	CO	CN	CG	CD	CL	CA	IL	IG	PT	PF	OS	
Storage yards											P	P	P	L		16.80.170
Warehouses											P	P	P			16.80.170
Wholesaling and distribution								P			P	P	P			16.80.170
<b>RECREATION, EDUCATION, AND PUBLIC ASSEMBLY USES</b>																
Activity centers	A	A	A	A	A	A	A	A	A	L			A	L	C	
Adult related establishments							P	P	P							16.80.030
Auditoriums, meeting halls, and theaters						P	P	P	P	L				L		16.24.080(B)(2), 16.24.090(B), 16.24.110(D), 16.24.180(D)
Bridge clubs and nongambling board games					P	P	P	P	P	L						
Card rooms							C	C	C	L						16.80.040 16.80.270
Clubs, lodges, and private meeting halls					P	P	P	P	P	L	P		P	A		
Commercial amusement facilities						A	A	A	A	A	A					
Educational facilities																
Academic schools—Private	A	A	A	A	A		A	A	A							
Academic schools—Public	P	P	P	P										P		
Colleges and universities—Private		C			C											
Equipment repair and maintenance training							P	P		A	P			L		
Specialized education and training					A	A	P	P	P	A	P		P	L		
Vehicle repair and maintenance training								P		A	P	P	P	L		
Truck and heavy equipment education and training											P	P	P	L		
Equestrian facilities	C										A	A		L	C	
Golf courses/country clubs	C	C	C	C	C		A	A			A		P	L	A	
Indoor recreation facilities							A	A	A	A	A		P	L		
Libraries and museums		C	C	C	P	P	P	P	P	P	P			L	A	
Live entertainment						P	P	P	P					P		16.80.180
Marinas							C	C			C		A	A		
Outdoor assembly facilities							A	A	A					L		
Outdoor commercial recreation facilities							C	C	C	C	C			A		
Parks and playgrounds	P	P	P	P	P	P	P	P						P	P	
Pool halls/billiard parlors								C	C	L						16.80.040 16.80.270
Private entertainment facilities							C	C	C		C					
Private residential recreation facilities	A	A	A	A												16.80.030 16.80.270
Recreational vehicle parks							A	A			A			L		
Religious facilities	A	A	A	A	P	P	P	P	P	P	P			L		16.80.080

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

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS
	RE	RL	RM	RH	CO	CN	CG	CD	CL	CA	IL	IG	PT	PF	OS	
Studios					P	P	P	P	P	P	L					
<b>RESIDENTIAL USES</b>																
Caretaker and employee housing					P	P	P	P	P	P	P	L	L	L	L	
Dwelling group			P	P		P		P						L		
Duplexes		P	P	P				P						L		16.24.040
Mobile home parks		A	A	A			A	A								16.80.210
Multifamily dwellings			P	P	P	P	P	P						L		16.80.220
Organizational houses				A				A								
Residential care facilities																
Assisted living facilities	A		C	P	P	P	P	P						L		16.80.300
Care homes, 6 or fewer clients		P	P	P				P						P		
Family care homes, 7 or more clients	C			C				C						L		16.80.300
Senior care facilities, 7 or more clients			A	A	A			A						L		16.80.300
Rooming and boarding houses				A				A						L		
Senior residential projects			P	P	P	P	P	P						L		16.80.220
Single-family dwellings	P	P	P	P				P						L		
Townhouses		A	P	P	P	P	P	P						L		
Triplexes			P	P				A						L		
<b>RETAIL TRADE</b>																
Agricultural chemical sales												A	L	P		16.36.080
Alcoholic beverage sales																
Bars and nightclubs—On-sale						C	C	C	C							16.80.270
Sale of alcohol—Off-sale						C	C	C	C				C	C		16.80.040
With another use—On-sale						L	L	L	L				L	L		
Artisan shops					P	P	P	P	P	L	P					
Auto and vehicle sales—New									L		P					16.24.120 16.80.070 16.80.330
Auto and vehicle sales—Used								L		A	L					16.24.120 16.80.070 16.80.330
Auto and vehicle leasing/rental								A	L		A	L				16.80.070
Auto parts sales						P	P	P	P	A						
Building material stores						A	P	L	P			P				16.80.330
Construction, farm & heavy equipment sales								A			A	P	P	P		16.80.330
Convenience stores							C	C	C	C						16.80.040 16.80.140 16.80.270
Furniture, furnishings, and appliance stores					C	P	P	P	P	P	P					16.80.330
Mobile home sales										A	P					16.80.330
Nurseries and garden supply stores	A				C	A	P	P	P	P	P					16.80.330

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

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS
	RE	RL	RM	RH	CO	CN	CG	CD	CL	CA	IL	IG	PT	PF	OS	
Outdoor retail sales and activities								A	A		A					16.80.260
Pet shops						P	P	P	P							
Recreational vehicle & boat sales—New/used								L		A	L					16.80.330
Restaurants					P	P	P	P	P	P			P			16.80.250
Retail stores					P	P	P	P	P	P	P		P			16.80.330
Secondhand stores/pawn shops							A	A	A							
Shopping centers																
Neighborhood								P	P							16.80.330
Community								P	P							16.80.330
Regional									P	P						16.80.330
Warehouse retail stores							C	C	C							16.80.330
<b>SERVICES</b>																
Adult day care facilities					P	P	P	P	P				A	L		
Adult-use cannabis dispensary							P		P		P	P				
Animal services																
Kennel and boarding facilities	A			A							A	A				
Pet grooming	A			A	P	P	P	P	L							
Training facilities	A			A		L	L	L	L	L						
Veterinary clinics and animal hospitals	A			A	C	P	P	P	P	P						16.80.370
Auto/vehicle services																
Car washes							A	A	A	P	A		P			
Fueling stations						A	L	L	L	P	L		P			16.80.320 16.80.340
Inoperable vehicle storage											L	L				
Maintenance/minor repair						A	P	P	P	P	P	P	P			16.80.320
Major repair/body work										P	P	P	P			16.80.340
Parking facilities		C	C	C	A	A	P	P	P	P	P		P	L		16.64.080
Vehicle storage								L		P	P	P	P	P	L	
Child care facilities																
Child care centers	C	C	C	C	P	P	P	P	P	P			P	P		16.80.100
Large family child care homes	A	A	A	A	A	A	A	A						A		16.80.100
Small family child care homes	P	P	P	P	P	P	P	P						P		
Equipment rental								L	P	A	P		P			
Funeral facilities and services																
Cemeteries		C	C	C	C		C	C		C	C	C		C	C	
Mortuaries							C	C		C	A	A		A		
Funeral homes					A	A	A	A		A						
Health/fitness facilities						P	P	P	P	L						
Lodging facilities																
Bed and breakfast		C	C	C	P	P	P	P						A		16.80.090
Extended-stay facilities							P	P	P							

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

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS	
	RE	RL	RM	RH	CO	CN	CG	CD	CL	CA	IL	IG	PT	PF	OS		
Single room occupancy facilities (SROs)							A	A									
Hotels and motels					P		P	P	P				P				
Massage establishment																	16.80.190
State certified					P	P	P	P	P								
Non-certified						C	C	A	A								
Medical cannabis dispensaries							C		C		C	C					16.80.195
Medical services																	
Ambulance service					A		P	P	P	L	P		P	L			
Clinics and laboratories					P	P	P	P	P	L			P	L			
Extended care	C	C	C	P	P		P	P						L			
Health-related					P	P	P		P					A			16.80.190
Hospitals					C		C	C							C		
Medical-related facilities					P	P	P	P	P						P		
Personal services—Restricted						C	C	A	A								
Personal services—Unrestricted						P	P	P	P					P			
Personal storage facilities (mini-storage)							A		L	L	P	P	P				16.80.200
Repair services						P	P	P	P	P	P						
Sanitary services											C	A	P	L			16.36.080
Social services facilities																	
Drug abuse, alcohol recovery/treatment facility					A		A	A							A		
Feeding centers									C		C	C		A			
Emergency shelters				C	C		C	C			P	P		P			16.80.155
<b>TRANSPORTATION AND COMMUNICATION USES</b>																	
Broadcasting studios						P	P	P	P	A	P	P	P	L			
Communications facilities																	
Minor		E	E	E	P		P	P	P	P	P	P	P	P	P		Ch. 16.44
Major					A		A	A	A	A	A	P	P	A			Ch. 16.44
Transit stations and terminals							C	C			C	C	P	C			
Vehicle and freight terminals											P	P	P				
<b>OTHER USES</b>																	
Live-work space					P	P	P	P	P		P						
Major impact facilities												C	C	C			
Motion picture production								P			P	P	P				
Multi-use facilities					P	P	P	P	P		A	A	P				16.80.230
Public and semipublic utility facilities	A	A	A	A	A	A	P	P	P	L	P	P	P	L			
Public institutions	C	C	C	C	C	C	C	C	C		C	C	L	L			
Signs—Off-premises							E	E	E		E	E	E	E			16.76.110

**Key:** P = Use permitted L = Land development permit required A = Administrative use permit required  
C = Commission use permit required E = Use not allowed, except under special circumstances  
Empty box = Use not allowed



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

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

See Division 8 for definitions of the listed land uses.

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

## **SECTION VI. AMENDMENT OF CODE**

Section 16.80.060 of the Stockton Municipal Code is amended as follows:

The purpose of this section is to ensure that the raising and maintenance of animals does not create an adverse impact on adjacent properties by reason of dust, noise, visual blight, odor, fumes, bright lights, or insect infestations.

**A. Pre-Existing Uses.** Any legally established nonconforming animal-keeping use that became nonconforming upon adoption of this Development Code, shall be allowed to continue subject to Chapter 16.228 (Nonconforming Uses, Structures, and Parcels).

**B. Existing Lots of Record.** Animals may be kept on legally established lots of record, even if less than the minimum lot size referenced in Table 3-14, subject to compliance with setback regulations of the underlying zoning district and the requirements of this Development Code.

**C. Uses Not Allowed.** Live hogs, swine, shoats, pigs, pot-bellied pigs, roosters, cockerels, and wild animals (as defined in Section 6.08.150 of the Municipal Code) shall not be permitted within the corporate limits of the City, except as exempt under Title 6 of the Municipal Code.

**D. Allowed Uses.** Animal-keeping uses allowed in Division 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards), shall comply with the standards provided in Table 3-14, and with all other standards and requirements of this section and this Development Code and with all other applicable sections of the Municipal Code.

**E. Animal-Keeping Standards.** The standards in Table 3-14 shall apply to all animal-keeping uses.

**TABLE 3-14  
ANIMAL-KEEPING STANDARDS**

<b>Type of Animal</b>	<b>Maximum Number of Animals per Site</b>	<b>Minimum Lot Size</b>	<b>Setback from Property Lines</b>	<b>Zoning Districts</b>
Aviary (raising for commercial purposes)	50 birds per acre	1/2 acre	50 feet	IL, IG
Cats or dogs	Total of 3 cats and/or dogs over the age of 4 months	None	None	All
Chinchilla, hamsters, guinea pigs, cavy and similar small animals (raising for commercial purposes)	100 per acre	1/2 acre	50 feet	IL, IG
Small household pets (e.g., birds,	Any combination	None	None	All

Type of Animal	Maximum Number of Animals per Site	Minimum Lot Size	Setback from Property Lines	Zoning Districts
domesticated rodents, homing pigeons, nonpoisonous reptiles other than snakes)	totaling 10			
Aquariums	Unlimited	None	None	All
Poultry, fowl (not including roosters or cockerels)	100 animals per acre	1/2 acre	50 feet	RE, IG, OS
	3	5,000 square feet	5 feet	RL, RM, RH
	3	5,000 square feet	5 feet	CO, N, CD, CL, CA, IL
	<i>Subject to District approval</i>			PT
Dog kennels, catteries, animal shelters, and dog and cat breeding facilities.	Subject to Commission use permit	1/2 acre	50 feet	RE, IL, IG
Horses, cows, bison, or similar sized animals	1 per acre	1 acre	100 feet	RE, IG
Sheep, goats, and similar sized animals (not including pigs)	2 per acre	1 acre	50 feet	RE, IG
Worm farms, fish farms, bee keeping, and similar uses	Subject to an administrative use permit	1 acre	50 feet	RE, IG

***F. Keeping of chickens - Restrictions.***

1. *It is unlawful to keep, possess, or maintain chickens on any parcel of property located in the city, except in accordance with the following restrictions:*
  - a. *A maximum of three hen chickens may be kept on a developed lot used exclusively for residential purposes.*
  - b. *All hen chickens shall be confined in a pen, coop, or cage, or other enclosure at all times.*
  - c. *All hen chickens shall be kept within an enclosure that is at least 20 feet distant from any dwelling on an adjacent parcel. The definition of "dwelling" in section 16.240.020 of this code shall apply to this section. Enclosures shall be situated in the rear yard. Enclosures shall not obstruct or partially obstruct any required exits from any dwelling unit.*
  - d. *No hen chickens shall be kept in the front yard on any developed lot used exclusively for residential purposes.*
  - e. *No hen chickens kept on a lot shall be allowed to create a noise disturbance audible on any adjoining lot.*
  - f. *No hen chickens shall be slaughtered on any developed lot used exclusively for residential purposes.*
2. *Roosters are not permitted on any developed lot used exclusively for residential purposes.*

## **SECTION VII. AMENDMENT OF CODE**

Section 16.80.260.A of the Stockton Municipal Code is amended as follows:

This section provides development and operational standards for outdoor uses, including temporary outdoor display and sales in compliance with subsection (A) of this section (Temporary outdoor displays and sales), and permanent outdoor display and sales in compliance with subsection B of this section (Permanent outdoor displays and sales). Outdoor uses on public property within the public right-of-way shall require an encroachment permit in compliance with Section 16.72.125 (Encroachment permit).

**A. Temporary Outdoor Displays and Sales.** Temporary outdoor displays and sales may be allowed subject to the requirements and approval of a temporary activity permit (Chapter 16.164) in compliance with the following standards:

1. **Fixed Period of Time.** The permit shall identify a fixed period of time for the display or sale, or where not identified, the display or sale shall not exceed two (2) days for a temporary event;
2. **Nuisance Factors.** Regulation of nuisance factors including prevention of glare or direct illumination on adjacent parcels, dirt, dust, gases, heat, noise, odors, smoke, waste, and vibration shall be required;
3. **Operating Hours.** The permit shall regulate operating hours and days;
4. **Parking.** Adequate temporary parking facilities, pedestrian and vehicular circulation, including vehicular ingress and egress and public transportation, if applicable, shall be provided in compliance with Chapter 16.64 (Off-Street Parking and Loading Standards);
5. **Performance Bond.** Submission of a performance bond or other surety measures, satisfactory to the Director, may be required to ensure that any temporary facilities or structures used would be removed from the site within seven (7) days following the termination of the event, and to ensure that the property would be cleaned of debris and litter so as to be completely free of all evidence of the temporary activity;
6. **Sanitary Facilities.** Sanitary facilities, as identified in the permit, shall be provided;
7. **Security.** Provisions for security and safety measures, as identified in the permit, shall be provided;
8. **Setbacks.** Appropriate setbacks shall be maintained to ensure adequate separation from adjacent land uses and a safe environment for pedestrians and vehicles;
9. **Signs.** Signs may be provided in compliance with Chapter 16.76 (Sign Standards);
10. **Temporary Structures.** Regulation of temporary structures and facilities shall be required, including location, height and size, and location of equipment and open spaces, including buffer areas and other yards;
11. **Waste Collection and Disposal.** Solid, hazardous, and toxic waste collection, recycling, and/or disposal shall be provided;
12. **Other Conditions.** Any other conditions that would ensure the operation of the proposed temporary event in an orderly and efficient manner shall be required; and
13. **Point of Sale.** A point of sale agreement shall be required for the sale of all merchandise sold outdoors.

*14. Exemptions. Urban agriculture stands are exempt from obtaining a temporary activity permit, however standards 2, 8, 9, and 12 as listed above, shall apply in addition to compliance with Chapter 16.80.350 (Urban Agriculture).*

## **SECTION VIII. AMENDMENT OF CODE**

Section 16.80.280 of the Stockton Municipal Code is amended to read as follows:

### **16.80.280 Produce stands.**

This section provides development and operational standards for the establishment of produce stands to provide a method for allowing growers of produce that is grown on the site to market their goods directly to consumers and to protect and maintain public health, safety, and welfare. Produce stands do not include Christmas/holiday sales facilities, including Christmas tree lots or pumpkin patches (Section 16.80.130) and farmers' markets in compliance with Chapter 16.168 (Temporary Activity Permits).

**A. Accessory Use.** A produce stand shall be allowed only as an accessory use to an agricultural production use on the same or adjacent site. ~~At least 50 percent of the area of the site shall be devoted to agricultural production.~~ The operator of the produce stand shall be the owner or lessee of the land where the agricultural production occurs.

**B. Laws and Regulations.** Produce stand operations (including agricultural operations) shall be subject to the laws and regulations administered by other City departments, San Joaquin County Public Health Services, Environmental Health Department, San Joaquin County Agricultural Commissioner's Office, as well as the requirements of other applicable agencies (e.g., the San Joaquin Valley Unified Air Pollution Control District, California Department of Transportation (CalTrans), and the California Department of Food and Agriculture).

**C. Application.** ~~An appropriate application shall be filed with the department as provided below:~~

~~1. **Permit Required.** A temporary activity permit in compliance with Chapter 16.168 (Temporary Activity Permits) shall be required for a produce stand, except that a Land Development Permit shall be required for any community garden with retail sales of produce grown on the site.~~

~~2. **Site Plan.** A site plan shall accompany the application showing:~~

- ~~a. The location and dimensions of the proposed temporary structures, parking areas (with each parking space illustrated), signs, portable restroom(s), and other temporary improvements;~~
- ~~b. Location of ingress and egress points;~~
- ~~c. Setbacks of structures and signs from property lines; and~~
- ~~d. A north (compass) orientation, adjacent streets, and identifying physical features where applicable.~~

~~3. **Period of Operation.** A statement of proposed days/hours of operation and the proposed beginning and ending date of the use shall be provided with the application. The time period allowed for each produce stand shall be the same as, or less than, the harvest season related to the produce grown and sold on premises.~~

### **D. Standards.**

1. Only one (1) produce stand shall be allowed per parcel.

2. The produce stand shall be set back in compliance with the regulations in the zoning district in which the use is located, except as otherwise permitted in Section 16.80.130 (Community gardens).
3. ~~Parking shall be provided as follows:~~
  - a. ~~A minimum of three (3) off-street parking spaces shall be provided;~~
  - b. ~~An all-weather surface or compacted crushed rock, compacted crushed asphaltic concrete, compacted crushed Portland cement concrete or equivalent surface shall be provided for the vehicle ingress, egress, circulation, and off-street parking areas, subject to the approval of the City Engineer.~~
4. ~~The surface for the produce stand site shall be constructed and maintained in a manner that prevents mud/dirt from being carried onto adjacent public streets and prevents fugitive dust generation in compliance with City standards and San Joaquin Valley Unified Air Pollution Control District, Regulation VIII—Fugitive Dust Prohibitions.~~
5. ~~There shall be safe ingress and egress for the site as determined by review of the City Engineer.~~
6. Signs for produce stands shall be approved by the Director. All signs shall be located outside of the public right-of-way.
7. A building permit shall be required for all structures larger than 120 square feet.
8. Structures/accessory structures/appurtenances deemed by the Director to have the potential to adversely affect the life, safety, and/or welfare of the public shall not be allowed, regardless of size.
9. No permanent electrical wiring or hookups of any kind are allowed.
10. Produce stand establishment and operation shall comply with all applicable sections of the latest edition of the [California Building Code](#) and the [California Fire Code](#) (CFC), Chapter 24.
11. The parcel on which the produce stand is located shall be kept clean of trash and debris at all times.
12. The parcel on which the produce stand is located shall be completely free of all evidence of the use *during non-operating hours* ~~within seven (7) days following the termination of the use.~~ Produce stand operations that do not comply with this standard shall be subject to a code enforcement action.
13. If restrooms are provided, they shall conform to all applicable rules, regulations, and codes of the San Joaquin County Public Health Services, Environmental Health Department, and any other requirements governing the use of these facilities.
14. Agricultural products may not be sold from a motorized vehicle.
15. Any graffiti on the premises shall be removed within 24 hours. (Ord. 011-11 C.S. § 1, eff. 10-27-11; Ord. 015-09 C.S., eff. 12-3-09; Ord. 023-07 C.S. § 92; prior code § 16-365.250)

## **SECTION IX. AMENDMENT OF CODE**

Section 16.80 of the Stockton Municipal Code is amended as follows:

Section 16.80 Standards for Specific Land Uses shall be amended to include:

*16.80.350 Urban Agriculture.*

*This section provides standards for development of urban agriculture in residential and nonresidential zones. Urban agriculture shall be allowed in ~~any~~ zoning districts identified in Table 2.2 of Section 16.20.020 and shall comply with the standards in this section as well as the standards as laid out in Chapter 16.24 and Chapter 16.28.*

- A. Maintenance. Urban agriculture uses shall be maintained in an orderly manner, including litter removal, irrigation, weeding, pruning, pest control and removal of dead or diseased plant materials.*
- B. Equipment.*
  - 1. Use of mechanized farm equipment is prohibited in residential districts.*
  - 2. Exceptions.*
    - a. Heavy equipment may be used initially to prepare the land for agriculture use.*
    - b. Landscaping equipment designed for household use is permitted.*
    - c. Equipment when not in use must be enclosed or otherwise screened from sight.*
- C. Structures. Structures to support urban agriculture, such as storage sheds, hoop-houses, and greenhouses, are permitted, subject to the regulations of the underlying zone.*
- D. Aquaculture operations.*
  - 1. Aquaculture operations in nonresidential zones are allowed, subject to the regulations of the underlying zone.*
- E. Beekeeping. It is unlawful to permanently keep, have or ranch more than two beehives on a single parcel of property within the city, unless such parcel of property is zoned "RE" or "OS" by applicable provisions of the Planning and Development Code; provided, however, that nothing in this section shall be deemed to authorize anyone to keep, harbor or maintain any such hives in violation of any other applicable law.*
  - 1. Hives shall be placed in a quiet area and not directly against a neighboring property.*
  - 2. Where there is no fence or flyway barrier, the hive entrance shall be oriented away from building entrances and walkways, and toward the most distant property line.*
  - 3. A clear flight path shall be maintained at least ten feet from the hive entrance.*
- F. Urban agriculture activities shall include best practices to prevent pollutants from entering the stormwater conveyance system and shall comply with all applicable federal, state, and local laws, ordinances, or regulations, including, but not limited to, the stormwater management and discharge control code in chapter 13.16 and the grading, erosion, and sediment control ordinance in chapter 15.48.*

## **SECTION X. AMENDMENT OF CODE**

Section 16.164.030.A of the Stockton Municipal Code is amended as follows:

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

educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, and the car wash shall be located on nonresidential property.

4. **Construction Yards.** An on-site contractors' construction yard, in conjunction with an approved construction project, where the yard would be located on the same site as the approved project.

5. **Emergency Facilities.** Emergency public health and safety needs/land use activities.

6. **Garage Sales on Private Property.** Garage sales on private property occurring no more than four (4) days per calendar year.

7. **Model Homes and Temporary Tract Sales Offices.** Temporary model homes and tract sales offices for a specific development project may be established, and kept until the project is sold out, within the area of an approved development project, solely for the sale of homes in that project and subject to a land development permit (Chapter 16.136).

8. **Outdoor Events and Seasonal Sales.** Special events related to an existing business with temporary outdoor display/sales of merchandise and seasonal sales lots in conjunction with an established commercial business which:

- a. Holds a valid City business license; and
- b. Is in compliance with Section 16.80.260 (Outdoor display and sales).

9. **Allowed Uses.** Temporary land uses in a zoning district, which allows that land use on a permanent basis in compliance with the permitting requirements in Table 2-2 (Allowable Land Uses and Permit Requirements).

10. **Signs for Subdivisions.** Temporary signs advertising subdivisions and model homes, in compliance with Section 16.76.100(I)(1) (Subdivision signs) shall be allowed subject to a land development permit (Chapter 16.136).

11. **School Events.** Events held exclusively on school grounds, and which are in conjunction with the school use.

12. **Special Events Permit.** Activities requiring a special events permits in compliance with Chapter 12.72 of the Municipal Code.

13. **Temporary Work Trailer(s).** Trailer or mobilehome as a temporary work site for employees of a business:

- a. During construction or remodeling of a permanent residential, commercial, or manufacturing structure, when a valid building permit is in force; or
- b. It can be demonstrated that this temporary work site is a short-term necessity, while a permanent work site is being obtained.

14. **Personal Celebrations.** Noncommercial events at which people celebrate personal occasions such as birthdays, weddings, anniversaries, graduations, and similar events, provided:

- a. There is no charge for admission or use of facility;
- b. There are no donations;
- c. There are no public advertisements, announcement, or flyers;
- d. It is not open to the public; and
- e. It is subject to the noise standards (Chapter 16.60).

*15. Urban Agriculture Activities. The production of food in a form and scale that is appropriate for the urban context, in compliance with Section 16.80.350 (Urban Agriculture).*

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

## **SECTION XI. AMENDMENT OF CODE**

Section 16.240.020 of the Stockton Municipal Code is amended to include the definitions of “urban agriculture”, “urban agriculture stand”, “urban beekeeping”, “community garden”, “market garden”, “private garden”, “aquaculture”, “hydroponics”, and “livestock” as follows:

A. Definition of “urban agriculture”

- a. “Urban Agriculture” means the production of food in a form and scale that is appropriate for the urban context and includes market garden; community garden; private garden; hydroponics; and urban beekeeping.

B. Definition of “produce”

- a. “Produce” means any food in its raw or natural state which is in such form as to indicate that is intended for consumer use with or without any or further processing.

C. Definition of “urban agriculture stand”

- a. “Urban agriculture stand” means a temporary produce stand that is accessory to an urban agriculture use.

D. Definition of “urban beekeeping”

- a. “Urban beekeeping” means having or ranching no more than two beehives on a single parcel of property within any residential or commercial zoning districts.

E. Definition of “community garden”

- a. “Community garden” means an otherwise undeveloped lot divided into multiple plots for the growing and harvesting of the fruits, vegetables, flowers, fiber, nuts, seeds, and culinary herbs primarily for the personal use of the growers, and that is established, operated, and maintained by a group of persons, other than the city. A community garden does not include a private garden or edible landscaping: (1) on a lot developed with one or more residences and devoted to the personal use of the occupants of the residences; or (2) on a lot with nonresidential use.

Regulations of this use varies, depending on the size of the garden. (description of sizes)

F. Definition of “market garden”

- a. “Market garden” means the primary use of a site for cultivation of fruits, vegetables, flowers, fiber, nuts, seeds, or culinary herbs for sale or donation of its produce to the public which is in a zone other than OS.

G. Definition of “private garden”

- a. “Private garden” means a private food-producing garden that is accessory to the primary use of the site and which is located in the front yard, side yard, rear yard, rooftop, courtyard, balcony, fence, wall, window sill or basement.

H. Definition of “aquaculture”

- a. “Aquaculture” means the cultivation of marine or freshwater fish, shellfish, or plants under controlled conditions. Aquaculture includes aquaponics which



integrates aquaculture with hydroponics by recycling the waste products from fish to fertilize hydroponically growing plants.

- I. Definition of “hydroponics”
  - a. “Hydroponics” means a method of growing plants in a soil-less medium or an aquatic-based environment in which plant nutrients are distributed via water.
- J. Definition of “Livestock” added to be listed under “Agriculture”
  - a. “Livestock” are domesticated animals raised in an agricultural setting to produce commodities such as food, fiber and labor. “Livestock” are defined as being useful animals; which implies a commercial purpose, or being reared for financial gain. However, in recent years, livestock are also raised to promote the survival of rare breeds, leading to many charities being formed around this issue.
- K. Except as amended by subsections A through J, above, all provisions of section 16.240.040 remain unchanged and in full effect.

**SECTION XII: SEVERABILITY**

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

**SECTION XIII: EFFECTIVE DATE**

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

ADOPTED: \_\_\_\_\_  
EFFECTIVE: \_\_\_\_\_

\_\_\_\_\_  
MICHAEL D. TUBBS  
Mayor of the City of Stockton

ATTEST:

\_\_\_\_\_  
CHRISTIAN CLEGG  
Deputy City Manager  
Interim City Clerk of the City of Stockton