

ITEM 5.2

CITY MANAGER'S REPORT JANUARY 10, 2022 CITY COUNCIL REGULAR MEETING

ITEM: PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER MUNICIPAL CODE AMENDMENT TO UPDATE VARIOUS SECTIONS OF THE LMC TO STREAMLINE PROCEDURES, MINOR CLARIFICATIONS, AND INCORPORATE UPDATED POLICIES TEXT AMENDMENT NO. TA-21-151

RECOMMENDATION: Council to Consider the Following:

1. Hold a Public Hearing; and
2. First Reading and Introduce an Ordinance Adopting Various Amendments to the Lathrop Municipal Code (LMC) to Modernize, Simplify, and Streamline Sections of Title 17, The Zoning Code, and Title 10, Vehicles and Traffic. The amendments to the Municipal Code include the following:
 - Chapter 10.24 (Parking)
 - Chapter 17.16 (General Requirements and Exceptions)
 - Chapter 17.32 (R One-Family Residential District)
 - Chapter 17.36 (RM Multifamily Residential District)
 - Chapter 17.52 (Combining Districts)
 - New Chapter 17.57 (Mossdale Landing Zoning Districts)
 - Chapter 17.60 (Southeast Stewart Tract Zoning Districts)
 - Chapter 17.62 (Central Lathrop Zoning Districts)
 - Chapter 17.64 (Home Occupations)
 - Chapter 17.76 (Off-Street Parking and Loading)
 - Chapter 17.80 (Accessory Dwelling Units)
 - Chapter 17.97 (Wireless Communication Facilities)
 - Chapter 17.100 (Site Plan Review)
 - Chapter 17.108 (Administrative Approval of Certain Uses)

SUMMARY:

The proposed Code Text Amendment is a staff-initiated proposal to modify various sections of the Lathrop Municipal Code (LMC) to modernize, simplify and streamline various sections of Title 17, Zoning and Title 10, Vehicles and Traffic. The proposed amendments will include integration of current City policies, State law and best practices within the planning profession. Approval of the text amendment would allow for greater flexibility, clarification to support and promote development.

BACKGROUND:

In 2009, the City adopted an Economic Development Strategic Plan to guide the City Council in making decisions regarding economic growth for the City. In 2011, the City Council indicated a desire to accelerate economic and business development efforts by creating an Economic Development Program. To implement the City's economic goals and policies, staff regularly review and monitor various department policies, procedures and the Zoning Ordinance for areas that need improvement. Staff determined and identified various sections of the LMC that are ambiguous, unclear and outdated. The intent of the proposed amendments is to assist and encourage development by providing concise and clear requirements for residents, developers and staff.

The City approved a similar effort and updated certain sections of the Zoning Ordinance and LMC in 2013, 2016, 2017, 2019, and 2021. The previous updates were well received by the community and staff members that process development applications and assist residents on a daily basis.

At their regular meeting of December 15, 2021, the Planning Commission voted unanimously (4-0) to recommend the City Council adopt an Ordinance regarding the proposed amendments to the Lathrop Municipal Code. Attached is the Planning Commission Resolution No. 21-30 for reference (Attachment #16).

ANALYSIS:

Staff has determined that the following text amendments conform to the General Plan. The proposed text amendments will modify the following Chapters and Sections of the LMC:

Chapter 10.24 Parking (Attachment #2)

The proposed amendment clarifies and provides reasonable time for residents to park their recreational vehicles (and similar vehicles) on the street no longer than 48-hours for the purpose of loading, unloading, cleaning, and preparation before and after use.

Chapter 17.16 General Requirements and exceptions (Attachment #3)

The proposed amendment would correct the code reference for the application type for a temporary subdivision sales office. Currently, Section 17.16.010, *Temporary subdivision signs and sales office*, references Chapter 17.112, *Conditional Uses*. However, the reference should be to Chapter 17.108, *Administrative Uses* as current practice is to review temporary subdivision signs and sales offices administratively via an Administrative Application form.

Chapter 17.32 R One-Family Residential District; and Chapter 17.36 RM Multifamily Residential District (Attachment #4 and 5)

Similar to the amendments to the Central Lathrop Zoning Districts, the proposed amendment would update the R One-Family Residential District and the RM Multifamily Residential District to be consistent with Senate Bill 234 and add Large Family Day Care as a permitted use in both Zoning Districts. The proposed amendment would also remove references to RM 1.5 from the Purpose and Application Section since this designation is not on the City's Zoning Map.

Chapter 17.52 Combining Districts (Attachment #6)

Update Section 17.52.030, Mosssdale Village combining district (MV) to clarify that development of property within the MV combining district is subject to the regulations found in the West Lathrop Specific Plan and the applicable Mosssdale Urban Design Concept. Currently, the Code references only the West Lathrop Specific Plan and not the Mosssdale Urban Design Concept.

New Chapter 17.57 Mosssdale Landing Zoning Districts (Attachment #7)

The proposed amendment adds a new Chapter to the Zoning Code titled "Mosssdale Landing Zoning Districts" to provide reference to the Mosssdale Urban Design Concepts (UDCs). Currently there is no reference within the LMC to the Mosssdale Landing UDCs and their allowable uses (permitted and conditionally permitted), development standards, and other related standards. This new Chapter establishes a link to the Mosssdale Landing, Mosssdale Landing East, and the Mosssdale Landing South UDCs consistent with the City's other Specific Plans.

Chapter 17.60 Southeast Stewart Tract Zoning Districts (Attachment #8)

The proposed amendment removes Section 17.60.030, MX-ST, Mixed-Use Zoning District and Section 17.60.040, CR-ST, Regional Commercial Zoning District from the Zoning Code as these Zoning Districts are not present on the City's Zoning Map. The amendment also clarifies that Large Family Day Care is a permitted use in the R-REC-ST, Recreational Residential Zoning District and R-ST, Residential Zoning District consistent with Senate Bill 234. Further, the proposed amendment updates Section 17.60.060, R-ST, Residential Zoning District to add "clustered housing", consistent with a density in compliance with the City's General Plan, as a permitted use.

Chapter 17.62 Central Lathrop Zoning Districts (Attachment #9)

The proposed amendments establish Large Family Day Care as a permitted use in all of the Central Lathrop residential zoning districts: VR-CL, Variable Density Residential, HR-CL, High Density Residential, and R/MU-CL, Residential/Mixed-Use Zoning. Pursuant to Senate Bill 234, a zoning permit or business license for a large or small family day care home may no longer be required. The amendments will move Large Family Day Care Homes from the Administrative Approval list to the Permitted Uses list.

The amendment also updates Table 17.62.120 Central Lathrop Specific Plan: Non-Residential Site Development Standards by removing "Lathrop Center District", from the Off-street parking standards since this designation no longer exists, and update the reference to Chapter 17.76, Off-street parking and loading. Finally, the R/MU-CL, Residential/Mixed Use Zoning District Section 17.62.042, will be amended to remove the VR-CL District reference from the Permitted Use list.

Chapter 17.64 Home Occupations (Attachment #10)

The proposed amendment would update the Home Occupation provisions to allow mobile businesses authorized by the State. Currently, the LMC specifically excludes personal services such as beauty salons and barber shops to operate as a home based business. This exclusion is typical of most city home occupation laws because personal service businesses require customers to be present, which can create traffic and parking issues, and require licensing from the State that does not allow these uses within a personal residence. However, the State has created a licensing provision that allow personal services to operate in an approved Mobile Unit. The processing of the license to operate a Mobile Unit is administered by the Board of Barbering and Cosmetology.

Chapter 17.76 Off-Street Parking and Loading (Attachment #11)

The proposed amendment would add "utility trailer" to the list of recreational vehicles that are not permitted to be stored in any residential district except within an enclosed side or rear yard or within a garage or carport:

"In any residential district, no recreation vehicle, including motor home, camping trailer, boat trailer, boat, pick-up camper, fifth wheel or dune buggy, utility trailer shall be stored or parked except within an enclosed side or rear yard or within a garage or carport..."

Chapter 17.80 Accessory Dwelling Units (Attachment #12)

The proposed amendment will modify the Chapter to clarify that doorway access for a detached accessory dwelling unit (ADU) may face the street as long as the detached ADU is set back further than the main dwelling unit and behind the front yard fence. In some instances, a detached ADU is developed alongside a single-family residence because the lot width is wide enough to allow it.

The proposed would modify the existing language as follows:

Access. Doorway access shall be provided either to the side or rear of the accessory dwelling unit. Doorway access may front the street for detached ADUs as long as the detached ADU is recessed from the main dwelling unit. ~~Direct doorway access to the front yard is prohibited.~~ The accessory dwelling unit shall utilize the same vehicular access which serves the existing dwelling unit.

Chapter 17.97 Wireless Communication Facilities (Attachment #13)

The proposed amendment would clarify that a Tier 3 Wireless Communication Facility (WCF) is subject to a Site Plan Review and Conditional Use Permit. The purpose of requiring both entitlements is that a Tier 3 WCF is the installation of a new tower which requires specific findings unique to the Site Plan Review and Conditional Use Permit process in accordance with the LMC.

Chapter 17.100 Site Plan Review (Attachment #14)

The proposed amendment would correct the code reference for revocation of a site plan. Currently, the language references Section 17.112.130, *Notification of conditional use map*, whereas it should reference Section 17.112.120, *Revocation* for provisions related to revoking an approved Site Plan Review or Conditional Use Permit.

Chapter 17.108 Administrative Approval of Certain Uses (Attachment #15)

The proposed amendment would add temporary construction/laydown yard for a utility company associated with a construction project to the list of temporary uses that are exempt from the Temporary Use Permit requirements (Section 17.108.090, Review of temporary uses). Expansion of utility connections and lines are typical for construction projects. Historically, the City has not required a Temporary Use Permit application for construction/laydown yard associated with construction projects so the amendment will be aligned with current City practice.

Municipal Code Amendments

According to the Lathrop Municipal Code, amendments to the Zoning Code must be reviewed by the Planning Commission with a recommendation forwarded to the City Council. Any recommendation of the Planning Commission, or final action of by the City Council must include the following findings:

"That the proposed amendment will be consistent with applicable provisions of the General Plan".

Staff and the Planning Commission have determined that the proposed code amendments conform to the General Plan. This is documented in Planning Commission Resolution #21-30.

Public Notice

A Notice of Public Hearing was advertised in the Manteca Bulletin on December 29, 2021 and the meeting agenda was posted at our designated posting locations in the City. As of the writing of this report, no comments were received in favor or against the proposed amendments.

CEQA REVIEW:

The proposed Municipal Code Amendment is exempt according to the California Environmental Quality Act (CEQA) Article 5 §15061 (b) (3) by the "Common Sense Exemption" that CEQA applies only to projects that have a potential for causing a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

The amendment does not change the zoning designation on any individual property and does not affect existing land use or density. The purpose of the amendment is to modify existing language in the Municipal Code to provide flexibility and is primarily procedural in nature. It also does not propose or require any specific development project; any specific development project undertaken in the future pursuant to the amended zoning code would be required to comply with CEQA at that time.

RECOMMENDATION:

The Planning Commission and staff recommend that the City Council consider all information provided and submitted, take and consider all public testimony and, if determined to be appropriate, take the following actions:

1. Introduce an Ordinance adopting various amendments to the Lathrop Municipal Code (LMC) to modernize, simplify, and streamline various sections of Title 17, the Zoning Code and Title 10, Vehicles and Traffic.
 - Chapter 10.24 (Parking): Allow Recreational Vehicles such as travel trailers, motorhomes, marine vessels, all-terrain vehicles, and similar vehicles to park on the street for the purposes of loading, unloading, cleaning, etc.
 - Chapter 17.16 (General Requirements and Exceptions): Update the code reference for the application type for temporary subdivision sales office.
 - Chapter 17.32 (R One-Family Residential District): Amend the Chapter to clarify that Large Family Day Care Home is a permitted use pursuant to Senate Bill 234.
 - Chapter 17.36 (RM Multifamily Residential District): Remove RM 1.5 from the Purpose and Application Section and Add Small and Large Family Day Care Home as a permitted use pursuant to Senate Bill 234.

- Chapter 17.52 (Combining Districts): Update Section 17.52.030, Mosssdale Village combining district (MV) to reference that development of property within the MV combining district are subject to the regulations found in the West Lathrop Specific Plan and the applicable Urban Design Concept.
- New Chapter 17.57 (Mosssdale Landing Zoning Districts): New Chapter to reference that the Mosssdale Landing Zoning Districts are subject to the applicable Urban Design Concept.
- Chapter 17.60 (Southeast Stewart Tract Zoning Districts): Remove Section 17.60.030, MX-ST, Mixed-Use Zoning District, Section 17.60.040, CR-ST, Regional Commercial Zoning District, and Section 17.60.050, R-REC-ST, Recreational Residential Zoning Districts as these Zoning Districts do not exist. Update Section 17.60.060, R-ST, Residential Zoning District to permit single-family residential uses and clustered housing consistent with a density in compliance with the City's General Plan.
- Chapter 17.62 (Central Lathrop Zoning Districts): Amend the Chapter to clarify that Large Family Day Care Home is a permitted use in the VR-CL, Variable Density Residential District, HR-CL, High Density Residential, R/MU-CL, Residential/Mixed-Use Zoning District consistent with Senate Bill 234. Update Non-Residential Site Development Standards to remove Lathrop Center District in Off-street parking and reference to Chapter 17.76, Off-street parking and loading and update the R/MU-CL, Residential/Mixed Use Zoning District Section to remove the VR-CL district reference from the permitted use list.
- Chapter 17.64 (Home Occupations): Amend the Chapter to allow Mobile Personal Services authorized by the State.
- Chapter 17.76 (Off-Street Parking and Loading): Add "utility trailer" to the list of recreational vehicles required to be stored within an enclosed side or rear yard or within a garage or carport.
- Chapter 17.80 (Accessory Dwelling Units): Amend Section 17.80.030(C) to clarify that doorway access for a detached accessory dwelling unit may front the street as long as the detached ADU is recessed from the main dwelling unit and amend Section 17.80.040 to provide provisions for utility connections for ADUs not contained within an existing structure.
- Chapter 17.97 (Wireless Communication Facilities): Clarify that Wireless Communication Facilities are subject to a Site Plan Review process, and a Conditional Use Permit.
- Chapter 17.100 (Site Plan Review): Amend the Chapter to update the code reference for revocation of a site plan.
- Chapter 17.108 (Administrative Approval of Certain Uses): Add temporary construction/laydown yard that is associated with a construction project to the list of temporary uses that are exempt from the Temporary Use Permit requirements (Section 17.108.090, Review of temporary uses).

FISCAL IMPACT:

There is no fiscal impact to the City of Lathrop, only staff time to prepare the report.

ATTACHMENTS:

1. Ordinance Approving Various Municipal Code Amendments
2. Mark-up of Chapter 10.24 Parking
3. Mark-up of Chapter 17.16 General Requirements and Exceptions
4. Mark-up of Chapter 17.32 R One Family Residential District
5. Mark-up of Chapter 17.36 RM Multifamily Residential District
6. Mark-up of Chapter 17.52 Combining Districts
7. New Chapter 17.57 Mossdale Landing Zoning Districts
8. Mark-up of Chapter 17.60 Southeast Stewart Tract Zoning Districts
9. Mark-up of Chapter 17.62 Central Lathrop Zoning Districts
10. Mark-up of Chapter 17.64 Home Occupations
11. Mark-up of Chapter 17.76 Off-Street Parking and Loading
12. Mark-up of Chapter 17.80 Accessory Dwelling Units
13. Mark-up of Chapter 17.97 Wireless Communication Facilities
14. Mark-up of Chapter 17.100 Site Plan Review
15. Mark-up of Chapter 17.108 Administrative Approval of Certain Uses
16. Planning Commission Resolution No. 21-30

**CITY MANAGERS REPORT
JANUARY 10, 2022 CITY COUNCIL REGULAR MEETING
MUNICIPAL CODE AMENDMENT**

APPROVALS:



David Niskanen
Contract Planner

12/22/2021

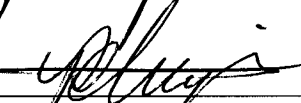
Date



Rick Caguiat
Principal Planner

12/22/2021

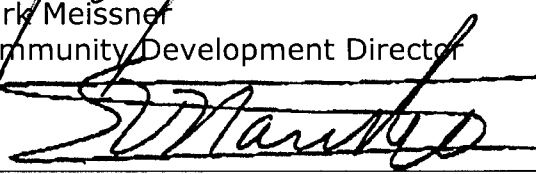
Date



for Mark Meissner
Community Development Director

12/22/2021

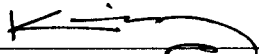
Date



Salvador Navarrete
City Attorney

12/20/21

Date



FOR
Stephen J. Salvatore
City Manager

1-6-2022

Date

ORDINANCE NO. 22-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LATHROP ADOPTING VARIOUS AMENDMENTS TO THE LATHROP MUNICIPAL CODE TO MODERNIZE, SIMPLIFY, AND STREAMLINE VARIOUS SECTIONS OF TITLE 17, THE ZONING CODE AND TITLE 10, VEHICLES AND TRAFFIC (TA-21-151)

WHEREAS, the City of Lathrop Planning Commission held a duly noticed public hearing at a regular meeting on December 15, 2021, at which they adopted PC Resolution No. 21-30 recommending City Council adopt Municipal Code Text Amendment No. TA-21-151 pursuant to the Lathrop Municipal Code; and

WHEREAS, the City of Lathrop City Council held a duly noticed public hearing at a regular meeting on January 10, 2022 to review and consider Municipal Code Amendment No. TA-21-151; and

WHEREAS, the proposed code amendment is Citywide and affects all applicable properties in the City; and

WHEREAS, Chapter 17.124 of the Lathrop Municipal Code mandates the transmittal of a Planning Commission recommendation to the City Council by resolution; and

WHEREAS, the proposed code amendment is exempt according to the California Environmental Quality Act (CEQA) Article 5 §15061 by the "Common Sense Exemption" that CEQA applies only to projects that have a potential for causing a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment; and

WHEREAS, the City Council finds that the proposed code amendment is consistent with applicable provisions of the Lathrop General Plan and will implement the City's Economic Development goals by providing streamline procedures, minor clarifications and incorporate updated policies; and

WHEREAS, proper notice of this public hearing was given in all respects as required by law; and

WHEREAS, the City Council has reviewed all written evidence and oral testimony presented to date.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lathrop based on substantial evidence in the administrative record of proceedings and pursuant to its independent review and consideration, does hereby approve Municipal Code Amendments as shown on Attachments "2", "3", "4", "5", "6", "7", "8", "9", "10", "11", "12", "13", "14", and "15" incorporated by reference herein.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LATHROP DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The Lathrop Municipal Code is hereby amended as shown in Attachments "2", "3", "4", "5", "6", "7", "8", "9", "10", "11", "12", "13", "14", and "15" incorporated by reference herein.

Section 2. This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the city or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. Severability. If any section, subsequent subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause or phrase.

Section 4. Effective Date. This Ordinance shall take legal effect 30 days from and after the date of its passage.

Section 5. Publication. Within fifteen days of the adoption of this Ordinance, the City Clerk shall cause a copy of this Ordinance to be published in full accordance with Section 36933 of the Government Code.

THIS ORDINANCE was regularly introduced at a meeting of the City Council of the City of Lathrop on the 10th day of January, 2022, and was PASSED AND ADOPTED at a regular meeting of the City Council of the City of Lathrop on _____, 2022, by the following vote:

AYES:

NOES:

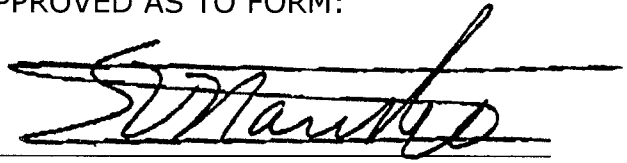
ABSTAIN:

ABSENT:

Sonny Dhaliwal, Mayor

ATTEST:

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read 'S. Navarrete', is written over a horizontal line. The signature is stylized and cursive.

Teresa Vargas, City Clerk

Salvador Navarrete, City Attorney

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Chapter 10.24 PARKING

[...]

10.24.110 Parking of trailers and recreational vehicles prohibited.

A. No person who owns, has possession, custody or control of any trailer or any semi-trailer shall park such trailer or semi-trailer upon any street, alley, public way or public place, unless such trailer or semi-trailer, at such times it is so parked, is attached to a motor vehicle capable of providing the motive power for moving the trailer or semi-trailer upon the street, alley, public way or public place.

B. This section shall not prohibit the parking of a trailer or semi-trailer in the process of being loaded or unloaded, nor of a trailer or semi-trailer which is disabled in such a manner and to such an extent that it requires some vehicle or facility other than its normal means of motivation to move the same along such street, alley, public way or public place; provided, however, such trailer or semi-trailer so disabled may remain so parked while unattached to the motor vehicle described in this section only for the time necessary for the vehicle or facility to be provided for its removal, and in no event longer than two hours. (Ord. 93-104)

C. Recreational vehicles such as travel trailers, motorhomes, marine vessels, all-terrain vehicles, and similar vehicles can park on the street no longer than 48-hours for the purpose of loading, unloading, cleaning, and preparation before or after use.

[...]

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Chapter 17.16 GENERAL REQUIREMENTS AND EXCEPTIONS

17.16.010 Temporary subdivision signs and sales offices.

Temporary subdivision signs and sales offices may be located within subdivisions for a period not to exceed two years from the date of recordation of the subdivision. Subdivision signs and sales offices shall be removed at the expense of the owner, unless, prior to the expiration of two years, a renewal of time is granted by the community development director. Upon expiration of such renewal period, subdivision signs and sales offices shall be removed at the expense of the owner. Subdivision signs shall be governed by the regulations prescribed in Chapter 17.84. A temporary subdivision sales office shall not be permitted until an application for a subdivision sales office permit shall be made to and approved by the community development director in accordance with Chapter 17.108~~12~~12. (Ord. 13-329 § 1; Ord. 92-73)

[...]

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Chapter 17.32 R ONE-FAMILY RESIDENTIAL DISTRICT

[...]

17.32.020 Permitted uses.

- A. One-family dwellings;
- B. Raising of fruit and nut trees, vines, vegetables and horticultural specialties on a noncommercial basis;
- C. Fenced or enclosed swimming pools for either individual, family or communal use on an exclusive noncommercial basis; provided, that no swimming pool shall be located within a utility easement;
- D. A “small family day care home” as defined and regulated by the State Health and Safety Code, which provides care to eight or fewer children, including children who reside in the home;
- E. A “large family day care home” as defined and regulated by the State Health and Safety Code for nine to fourteen (14) children, inclusive, including children who reside in the home;
- ~~FE.~~ A “Residential Care Facility” as defined by the State Health and Safety Code, which provides care to six or fewer persons, whether or not related;
- ~~GF.~~ Accessory structures and uses located on the same site with a permitted use;
- HG. Other uses which are added to this list according to the procedure in Section 17.16.020;
- ~~IH.~~ The keeping of animals in accordance with the standards of Chapter 17.28. (Ord. 21-418 § 10; Ord. 16-365 § 1; prior code § 176.02)

17.32.030 Permitted uses—Administrative approval required.

The following uses may be permitted in accordance with Chapter 17.108:

- A. Enclosed temporary construction materials storage yards required in connection with the development of a subdivision, and temporary subdivision sales offices and signs and model home display areas, in accordance with Section 17.16.010;
- B. Gas and electric transmission lines in accordance with Section 17.108.080,

electrical distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and elevated pressure tanks;

C. Garden structures in accordance with Section 17.32.050;

D. Mobilehomes on permanent foundations designed in accordance with the standards of Chapter 17.68;

~~E. A “large family day care home” as defined and regulated by the State Health and Safety Code for nine to fourteen (14) children, inclusive, including children who reside in the home;~~

~~EF.~~ Tennis courts, including related fencing over seven feet in height located on the same site as a permitted or conditional use;

~~FG.~~ Home occupations in accordance with Chapter 17.64;

~~GH.~~ Incidental and accessory structures and uses as defined in Section 17.04.080, located on the same site as a use permitted by administrative approval or conditional use;

~~HI.~~ A second housing unit in accordance with the provisions of Chapter 17.80;

~~IJ.~~ Other uses which are added to this list according to the procedure in Section 17.16.020. (Ord. 97-151; Ord. 92-73)

[...]

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Chapter 17.36 RM MULTIFAMILY RESIDENTIAL DISTRICT

17.36.010 Purposes and application.

The RM multifamily residential districts are intended primarily for the development of multifamily residential structures at densities consistent with policies of the general plan, as follows:

A. The RM-MH8 district is intended exclusively for application to areas designated by the general plan or any applicable specific plan for mobilehome park development.

B. The RM-3 district is intended exclusively for application to areas designated by the general plan for medium density.

C. The RM-2 district is intended primarily for application to areas designated by the general plan for high density ~~which are removed from the central business district.~~

~~D. The RM 1.5 district is intended for exclusive application to areas designated for high density in the immediate vicinity of the central business district and regional commercial areas. (Ord. 92-73)~~

17.36.020 Permitted uses.

A. One-family dwellings;

B. Multifamily dwellings;

C. A residential care facility, as defined in Section 17.32.020;

D. A “small family day care home” as defined and regulated by the State Health and Safety Code, which provides care to eight or fewer children, including children who reside in the home;

E. A “large family day care home” as defined and regulated by the State Health and Safety Code for nine to fourteen (14) children, inclusive, including children who reside in the home;

FD. Fenced or enclosed swimming pools for either individual, family or communal use on an exclusive noncommercial basis; provided, that no swimming pool shall be located within a utility easement or a front yard;

GE. Incidental and accessory structures and uses located on the same site with a permitted use;

HF. Other uses which are added to this list according to the procedure in Section 17.16.020;

IG. The keeping of animals in accordance with the standards of Chapter 17.28;

JH. Emergency shelters, in accordance with the provisions of Chapter 17.74. (Ord. 21-418 § 11; Ord. 20-411 § 1; Ord. 16-365 § 1; Ord. 92-96; Ord. 92-73)

17.36.030 Permitted uses—Administrative approval required.

The following uses may be permitted in accordance with Chapter 17.108:

A. Enclosed temporary construction materials storage yards required in connection with the development of a subdivision, and temporary subdivision sales offices and signs and model home display areas, in accordance with Section 17.16.010;

B. Gas and electric transmission lines in accordance with Section 17.108.080, electrical transmission and distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and elevated pressure tanks;

C. Rest homes and nursing homes, and boarding or rooming houses;

~~D. A “large family day care home” as defined and regulated by the State Health and Safety Code for nine to fourteen (14) children inclusive, including children who reside in the home;~~

DE. Garden structures in accordance with Section 17.36.050(F);

EF. Private clubs and lodges;

FG. Mobilehomes on permanent foundations designed in accordance with the standards of Chapter 17.68;

GH. A second housing unit in accordance with the provisions of Chapter 17.80;

HI. Home occupations in accordance with the provisions of Chapter 17.64;

IJ. Incidental and accessory structures and uses located on the same site as a use permitted by administrative approval or conditional use;

JK. Other uses which are added to this list according to the procedure in Section 17.16.020. (Ord. 97-151; Ord. 92-73)

[...]

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Chapter 17.52 COMBINING DISTRICTS

[...]

17.52.030 Mossdale Village combining district (MV).

A. Application. The Mossdale Village combining district (MV) is intended for application to all lands located within the Mossdale Village portion of the West Lathrop Specific Plan. The designation of MV after any zoning district indicates that the zoning district so combined is modified by the regulations included in the West Lathrop Specific Plan then in effect.

B. Applicable Regulations and Procedures. The development of property within the MV combining district shall be subject to the regulations found in the West Lathrop Specific Plan and the applicable Urban Design Concept. In addition, it is anticipated that agricultural use of the land within the MV combining district will continue for many years. Therefore, the following shall be considered conforming uses in any zoning district which is combined with the MV combining district:

1. Field crops, tree crops, row crops, berry or bush crops, provided no additional land shall be planted in cotton, trees, or vines;

2. Farms for the keeping or raising of animals, excluding poultry farms, rabbit or other small animal farms, fish or frog farms, dairies, hog farms, feedlots, slaughterhouses and kennels unless otherwise specifically permitted in the zoning district which is combined or if they exist on the day the property annexes. Any new poultry farms, rabbit or other small animal farms, fish or frog farms, dairies, hog farms, feedlots, slaughterhouses and kennels proposed subsequent to annexation are specifically prohibited.

C. Conditionally Permitted Uses—Commission Approval Required. The following use may be approved according to the procedures in Chapter 17.122:

1. Recycled water storage ponds and sprayfields. (Ord. 04-237 § 4; Ord. 96-132)

[...]

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Chapter 17.57 Mossdale Landing Zoning Districts

17.57.010 Mossdale Landing Zoning Districts – purpose and application

The Mossdale Landing Zoning Districts are subject to the Mossdale Landing Urban Design Concept, the Mossdale Landing East Urban Design Concept or Mossdale Landing South Urban Design Concept.

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Chapter 17.60 SOUTHEAST STEWART TRACT ZONING DISTRICTS

17.60.010 Southeast Stewart Tract districts; Purposes and application.

The zoning districts in this chapter are designed to provide the opportunity for a wide variety of residential and commercial uses that are compatible with the West Lathrop Specific Plan. The following regulations are supplemented by the entire text of the West Lathrop Specific Plan and are always combined with the ST (Southeast Stewart Tract) combining zone. Except as specifically noted, these zoning districts are limited to the Southeast Stewart Tract. (Ord. 03-215 § 1; Ord. 96-132)

17.60.020 C-REC-ST: commercial recreation zoning district.

A. Application. The C-REC-ST zoning district is intended to provide a variety of commercial uses that will include resorts, theme parks, specialty lodging, typical highway-oriented uses and recreational related uses. Such a variety of uses will need special attention as to their design to ensure proper integration and compatibility. The urban design concept review shall establish a precise mix of uses in accordance with the general categories described in this section.

B. Permitted Uses. The following uses shall be permitted in areas covered by an urban design concept:

1. Theme parks and wildlife parks, family entertainment centers, special events and exhibition facilities;
2. Hotels, motels, resort hotels, chalets and related lodging establishments;
3. Highway-oriented retail uses, including restaurant, fast food restaurants, small food markets and service stations;
4. Farmer's market and related commercial and entertainment facilities;
5. Transit and commuter parking facilities;
6. Golf courses and other sport facilities;
7. Campgrounds, R.V. parks and similar uses;
8. Specialty retail and entertainment uses including the retail transit center as defined by the urban design concept;
9. Special events as defined by the urban design concept;

10. Other compatible uses which are added to this list according to the procedure in Section 17.16.020.

C. Conditionally Permitted Uses. The following uses shall be permitted in areas covered by an urban design concept subject to securing a conditional use permit in accordance with the review procedure described in the West Lathrop Specific Plan.

1. Marinas and related uses;

2. Other compatible uses which are added to this list according to the procedure in Section 17.16.020.

D. Development Standards. Specific development standards for the commercial recreation (C-REC) district shall be established as part of the urban design concept review by utilizing the following design guidelines:

1. By utilizing a creative approach to landscaping and screening, parking areas shall not become the predominant feature of the streetscape, especially as it relates to adjacent open spaces and arterial streets.

2. Landscaping and irrigation standards shall generally follow those required by Chapter 17.92 and may be modified by the required UDC review by city staff, prior to issuance of development or building permits.

3. Building setbacks shall be varied in accordance with corresponding building heights, uses and proposed shop front and street activity. Higher structures may require a larger front yard setback, for example.

4. Signage and minimum parking requirements (such as type and number of parking stalls) shall generally follow Section 17.84.100 and Chapter 17.76 respectively, and may be modified by the required urban design concept review by city staff, prior to issuance of development or building permits. (Ord. 03-215 § 1; prior code § 194.02)

17.60.030 MX-ST: mixed use zoning district.

~~———— A. ——— Application. The MX zoning district is intended to provide a variety of commercial uses that will include resorts, theme parks, specialty lodging, recreational related uses as well as a range of residential development. Such a variety of uses will need special attention as to their design to ensure proper integration and compatibility. The urban design concept review shall establish a precise mix of uses in accordance with the general categories described in this section.~~

~~———— B. ——— Permitted Uses. The following uses shall be permitted in areas covered by an urban design concept:~~

~~———— 1. ——— Theme parks and wildlife parks, family entertainment centers, special events and~~

exhibition facilities;

- ~~2. Hotels, motels, resort hotels, chalets and related lodging establishments;~~
- ~~3. Highway oriented retail uses, including restaurant, fast food restaurants, cafes, small food markets and service stations;~~
- ~~4. Retail shops and related uses;~~
- ~~5. Transit and commuter parking facilities;~~
- ~~6. Golf courses and other sport facilities;~~
- ~~7. Campgrounds, R.V. parks and similar uses;~~
- ~~8. Public uses and places of assembly and entertainment, such as theaters, a library, cultural center and amphitheater;~~
- ~~9. Passive activity uses such as art galleries and studios, antique shops, arts and craft centers and related uses;~~
- ~~10. Specialty retail and entertainment uses including the retail transit center as defined by the urban design concept;~~
- ~~11. Other compatible uses which are added to this list according to the procedure in Section 17.16.020.~~

~~C. Development Standards. Specific development standards for the mixed use (MX) district shall be established as part of the urban design concept review by utilizing the following design guidelines:~~

- ~~1. By utilizing a creative approach to landscaping and screening, parking areas shall not become the predominant feature of the streetscape, especially as it relates to adjacent open spaces and arterial streets;~~
- ~~2. Landscaping and irrigation standards shall generally follow those required by Chapter 17.92 and may be modified by the required UDC review by city staff, prior to issuance of development or building permits.~~
- ~~3. Building setbacks shall be varied in accordance with corresponding building heights, uses and proposed shop front and street activity. Higher structures may require a larger front yard setback, for example.~~
- ~~4. Signage and minimum parking requirements (such as type and number of parking stalls shall generally follow Section 17.84.010 and Chapter 17.76, respectively, and may be modified by the required urban design concept review by city staff, prior to issuance of~~

~~development or building permits.~~

~~5. Pedestrian circulation of the village center environment is a priority and a strong emphasis on access to the central spine shall be maintained.~~

~~6. Buildings will be sited such that they frame the space in which they are sited, while maintaining a strong visual and pedestrian interface with surrounding areas.~~

~~7. Retail and service related uses shall maintain a pedestrian friendly design by utilizing wide sidewalks for use by pedestrians and for window shopping, cafe table use and the like. (Ord. 03-215 § 1; prior code § 194.03)~~

17.60.040 CR-ST: regional commercial zoning district.

~~A. Application. The CR zoning district is intended to provide primarily large scale retail uses that draw from a large regional market area. This district will allow uses that are similar to those located in other planning areas of the city; however, a higher degree of flexibility in the development regulations and guidelines for design of the uses will accommodate the unique nature of the Southeast Stewart Tract development.~~

~~B. Permitted Uses. The following uses shall be permitted in areas covered by an urban design concept:~~

~~1. Large planned retail oriented uses, including regional shopping/entertainment centers;~~

~~2. Business parks;~~

~~3. Motels and hotels;~~

~~4. Other compatible uses which are added to this list according to the procedure in Section 17.16.020.~~

~~C. Development Standards. Specific development standards for the regional commercial (CR) district shall be established as part of the urban design concept review by utilizing the following design guidelines:~~

~~1. By utilizing a creative approach to landscaping and screening, parking areas shall not become the predominant feature of the streetscape, especially as it relates to adjacent open spaces and arterial streets.~~

~~2. Landscaping and irrigation standards shall follow those required by Chapter 1792.~~

~~3. Building setbacks shall be varied in accordance with corresponding building heights, uses and proposed shop front and street activity. Higher structures may require a larger front yard setback, for example.~~

~~4. Signage and minimum parking requirements (such as type and number of parking stalls) shall generally follow Section 17.84.100 and Chapter 17.76, respectively, and may be modified by the required urban design concept review by city staff, prior to issuance of development or building permits. (Ord. 03-215 § 1; prior code § 194.04)~~

~~17.60.050 R-REC-ST: recreational residential zoning district.~~

~~A. Application. The R-REC-ST zoning district is intended to provide a variety of recreational oriented housing types, in addition to some neighborhood serving commercial uses. The urban design concept review shall establish the precise mixture of housing types and other uses in accordance with the provisions of this section.~~

~~B. Permitted Uses. The following uses shall be permitted in areas covered by an urban design concept subject to securing a building permit:~~

~~1. One family dwelling;~~

~~2. A small family day care home, a substance abuse recovery facility or a state-authorized, certified or licensed family care home, foster home or group home serving six or fewer children, mentally disordered or otherwise handicapped persons, or dependent and neglected children;~~

~~3. Fenced or enclosed swimming pools for either individual, family or communal use on an exclusive, noncommercial basis; provided, that no swimming pool shall be located within a utility easement or front yard;~~

~~4. Incidental and accessory structures and uses located on the same site with a permitted use;~~

~~5. Retail shops and related uses, when located in a neighborhood shopping center;~~

~~6. Dining establishments, including restaurants and cafes, when located in a neighborhood shopping center;~~

~~7. Public uses and places of assembly and entertainment, such as theaters, a library, cultural center and amphitheater, when located in or adjacent to a neighborhood shopping center;~~

~~8. Passive activity uses such as art galleries and studios, antique shops, arts and crafts centers and related uses, when located in a neighborhood shopping center;~~

~~9. Other compatible uses which are added to this list according to the procedure in Section 17.16.020.~~

~~C. Permitted Uses – Administrative Approval Required. The following uses shall be permitted in areas covered by an urban design concept subject to an administrative approval in accordance with the review procedure described in the West Lathrop Specific Plan:~~

~~1. Duplexes;~~

~~2. Enclosed temporary construction materials storage yards required in connection with the development of a subdivision, and temporary subdivision sales offices and signs and model home display areas;~~

~~3. Gas and electric transmission lines in accordance with Section 17.108.080, electrical distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and elevated pressure tanks;~~

~~4. Rest homes and nursing homes; boarding or rooming houses;~~

~~6. Mobilehomes on permanent foundations designed in accordance with the standards of Chapter 17.68.~~

~~7. Home occupations in accordance with Chapter 17.64;~~

~~8. Other compatible uses which are added to this list according to the procedure in Section 17.16.020.~~

~~D. Permitted Uses – Site Plan Review Required. The following uses shall be permitted in areas covered by an urban design concept subject to approval of a site plan in accordance with the review procedure described in the West Lathrop Specific Plan:~~

~~1. Two or more single family dwellings proposed for the same site;~~

~~2. Multifamily dwellings or apartments other than duplexes;~~

~~3. Other compatible uses which are added to this list according to the procedure in Section 17.16.020.~~

~~E. Conditionally Permitted Uses. The following uses shall be permitted in areas covered by an urban design concept subject to approval of a conditional use permit in accordance with the review procedure described in the West Lathrop Specific Plan:~~

~~1. Public and quasi public uses of an educational or religious type including public and parochial elementary schools, junior high schools, high schools and colleges; nursery schools; private nonprofit schools and colleges; churches; parsonages and other religious institutions;~~

~~2. Public and private charitable institutions, hospitals, sanitariums, rest homes, and nursing homes, including a state authorized, certified or licensed family care home, foster home or group home serving seven or more mentally disordered or otherwise handicapped persons, including rehabilitation homes for the alcohol and/or chemically dependent, or dependent and neglected children, where such homes provide care on a twenty four (24) hour basis;~~

~~3. Public uses of an administrative, recreational, public service or cultural type including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations and other public buildings, structures and facilities; public playgrounds, parks and community centers;~~

~~4. Modest expansion or remodeling of an existing nonconforming use of a structure or land (except single family dwellings) limited to twenty five percent (25%) or less of the assessed value of existing structures, or reestablishment of a nonconforming use which has been damaged, except nonconforming signs and outdoor advertising structures, nonconforming uses occupying a structure with an assessed valuation of less than one hundred dollars (\$100.00) and nonconforming fences, walls and hedges. Single family dwellings may be expanded or remodeled as permitted by Chapter 17.16;~~

~~5. Scattered commercial uses such as restaurants, cafes, neighborhood deli/markets and places of assembly that take advantage of the unique character of the residential areas while preserving the predominant residential character of the neighborhood;~~

~~6. Other compatible uses which are added to this list according to the procedure in Section 17.16.020.~~

~~F. Development Standards. Specific development standards for the recreational residential (R-Rec) district shall be established as part of the urban design concept review by utilizing the following design guidelines:~~

~~1. Site Area and Frontage Requirements.~~

~~a. Minimum site area requirements:~~

~~i. For dwellings requiring a building permit: six thousand (6,000) square feet.~~

~~ii. For dwellings requiring an administrative approval: three thousand (3,000) square feet per dwelling unit.~~

~~iii. For dwellings requiring a site plan review: one thousand five hundred (1,500) square feet per dwelling unit.~~

~~iv. For nonresidential uses: an area of sufficient size to accommodate the intended use with required parking, landscaping, and the like.~~

~~b. Minimum frontage requirements:~~

~~i. For dwellings requiring a building permit: sixty (60) feet.~~

~~ii. For dwellings requiring an administrative approval or site plan review: fifty (50) feet.~~

~~iii. For nonresidential uses: a width of sufficient size to accommodate required access to a public street.~~

~~c. The minimum site area and frontage requirements may be reduced under the urban design concept review and/or a PUD when significant open space is included to result in an overall density as follows:~~

~~i. One unit for every six thousand (6,000) square feet of site area for dwellings permitted by building permit.~~

~~ii. One unit for every three thousand (3,000) square feet of site area for dwellings permitted by administrative approval.~~

~~iii. One unit for every one thousand five hundred (1,500) square feet of site area for dwellings permitted by site plan review.~~

~~2. Distance between structures. The minimum distance between a residence and another structure shall be ten (10) feet.~~

~~3. Yard Requirements and Coverage Standards. Minimum depth, setbacks and coverage regulations, shall be established during the urban design concept review and by the design review board (DRB). Not more than one dwelling shall be allowed on each site for dwellings requiring a building permit, except for second unit dwellings permitted by conditional use permit. Not more than two dwellings shall be allowed on each site for dwellings requiring an administrative approval. For dwellings permitted by site plan review and nonresidential uses, the number of units per site, yard and coverage standards shall be determined by the urban design concept review and by the design review board (DRB).~~

~~4. Building Height. No building or structure shall exceed thirty five (35) feet in height except as required for certain conditional uses or by variance of the planning commission for dwellings or uses allowed by building permit, administrative approval or site plan review.~~

~~5. Signs and Off-Street Parking and Off-Street Loading. All sign requirements and restrictions, other than those for special signs included in Section 17.84.020(H), shall be established during the urban design concept review and by the design review board (DRB). Off-street parking and loading standards shall be consistent with Chapter 17.76, unless modified by urban design concept review and by the design review board (DRB).~~

~~6. Fences, Walls and Hedges. All fences, walls and hedges and similar screening device requirements and restrictions shall be established during the urban design concept review and by the design review board.~~

~~7. Urban Design Concept and Neighborhood Design Concept Consistency. All permitted or conditionally permitted uses shall comply with the UDC and NDR approvals for the area. (Ord. 03-215 § 1; Ord. 96-132)~~

17.60.0360 R-ST: residential zoning district.

Application. The residential zoning district shall only be applied to ~~one existing single-family residential area (approximately nine acres)~~ on the Southeast Stewart Tract and is defined as those uses and development standards found in Chapter 17.32. Single-family residential uses and clustered housing are permitted with a density in compliance with the City's General Plan. (Ord. 96-132)

17.60.0470 RCO: resource conservation and open space zoning district.

Application. The resource conservation and open space zoning district shall be that described in Chapter 17.20, except that uses listed in Section 17.20.040 (Conditional uses) shall be permitted uses herein subject to securing site plan approval. (Ord. 96-132)

17.60.0580 UR: urban reserve zoning district.

Application. The urban reserve zoning district shall be that described in Chapter 17.24. (Ord. 96-132)

17.60.0690 Review process.

The review process for all applications on the Southeast Stewart Tract or in Mossdale Village shall be those described in the West Lathrop Specific Plan. If any process or application is not included in the West Lathrop Specific Plan, then the process as found in the city code shall apply. (Ord. 03-215 § 1; Ord. 96-132)

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Chapter 17.62 CENTRAL LATHROP ZONING DISTRICTS

[...]

Article 2. VR-CL: Variable Density Residential District

17.62.021 Purpose and application.

The VR-CL zoning district provides for a mix of low- and medium-density residential uses, The VR-CL District regulations are designed to promote and encourage a pleasant environment for family life and to provide space for community facilities needed to complement residential neighborhoods. (Ord. 04-245 § 3)

17.62.022 Permitted uses.

- A. One-family dwellings;
- B. Multi-family dwellings;
- C. A “small family day care home” as defined and regulated by the State Health and Safety Code, which provides care to eight or fewer children, including children who reside in the home;
- D. A “large family day care home” as defined and regulated by the State Health and Safety Code for nine to fourteen (14) children, inclusive, including children who reside in the home;
- ~~E~~. A small residential care home;
- ~~F~~. An alcoholic recovery facility as defined by the State Health and Safety Code, which provides care to six or less persons, whether or not related;
- ~~G~~. Accessory structures and uses located on the same site with a permitted use;
- H. Fenced or enclosed swimming pools for either individual, family or communal use on an exclusive non-commercial basis, provided that no swimming pool shall be located within a utility easement or a front yard;
- I. Neighborhood parks;
- J. Open space;
- K. Public or private playgrounds;

LK. Public schools;

ML. The keeping of animals in accordance with Chapter 17.28 of the Lathrop Zoning Code;

NM. Other uses which are added to this list according to the procedures in Section 17.16.020 of the Lathrop Zoning Code. (Ord. 16-365 § 1; Ord. 04-245 § 3)

17.62.023 Permitted uses: administrative approval required.

The following uses may be permitted in accordance with the provisions of Chapter 17.108 of the Lathrop Zoning Code:

~~A.~~ ~~Second housing units as permitted by Chapter 17.80 of the Lathrop Zoning Code.~~

AB. Rest homes and nursing homes; and boarding or rooming houses.

BC. Home occupations in accordance with the provisions of Chapter 17.64 of the Lathrop Zoning Code.

CD. Enclosed temporary construction materials storage yards required in connection with the development of a subdivision in accordance with Section 17.16.010 of the Lathrop Zoning Code.

DE. Temporary subdivision sales offices and signs, model homes, and model home display areas in accordance with Section 17.16.010 of the Lathrop Zoning Code.

~~F.~~ ~~A “large family day care home” as defined and regulated by the State Health and Safety Code for nine to fourteen (14) children, inclusive, including children who reside at the home.~~

EG. Garden structures in accordance with the development standards described in this section.

FH. Tennis courts, including related fencing over seven feet in height located on the same site as a permitted or conditional use.

GI. Expansion, remodeling, or additions to a conditional use that are not considered an incidental or accessory use as defined in Section 17.04.080 of the Lathrop Zoning Code.

HJ. Incidental and accessory structures and uses as defined in Section 17.04.080 of the Lathrop Zoning Code on the same site as a use that is permitted by administrative approval or a conditional use.

IK. Other uses added to this list according to the procedures in Section 17.16.020 of the Lathrop Zoning Code. (Ord. 04-245 § 3)

[...]

Article 3. HR-CL: High Density Residential

17.62.031 Purpose and application.

The HR-CL zoning district is intended to provide for the development of multi-family residential uses at densities consistent with the General Plan. These uses and regulations are designed to afford livable neighborhoods while incorporating other uses for community facilities and needs to facilitate urban living. (Ord. 04-245 § 3)

17.62.032 Permitted uses.

- A. One-family dwellings limited to:
 - 1. A single-family dwelling replacing an existing single-family dwelling on a one for one basis,
 - 2. A single-family dwelling on an existing lot of eight thousand (8,000) square feet or less, or
 - 3. Single-family dwellings that are part of a housing development with the majority of units affordable to extremely low, very low, and/or low income households; multifamily dwellings;
- B. Two or more single-family dwellings proposed for the same site limited to:
 - 1. One of the single-family dwellings is replacing an existing single-family dwelling on a one for one basis,
 - 2. The dwellings are on an existing lot of 8,000 square feet or less, or
 - 3. Single-family dwellings that are part of a housing development with the majority of units affordable to extremely low, very low, and/or low income households;
- C. Multifamily dwellings, flats, townhouses or apartments;
- D. Duplexes;
- E. Artist’s studios; live/work units;
- F. A small family day care home, a substance abuse recovery facility, or a small residential care home as provided in Section 17.32.020 of the Lathrop Zoning Code;
- G. A “large family day care home” as defined and regulated by the State Health and Safety Code for nine to fourteen (14) children, inclusive, including children who reside in the

home;

HG. Fenced or enclosed swimming pools for either individual, family or communal use or an exclusive non-commercial basis, provided that no swimming pool shall be located within a utility easement or a front yard;

IH. Incidental and accessory structures and uses on the same site as a permitted use;

JL. Neighborhood parks;

KJ. Open space;

LK. Public or private playgrounds;

ML. The keeping of animals in accordance with Chapter 17.28 of the Lathrop Zoning Code;

NM. Other uses added to this list according to the procedures in Section 17.16.020 of the Lathrop Zoning Code. (Ord. 20-411 § 1; Ord. 16-365 § 1; Ord. 04-245 § 3)

17.62.033 Permitted uses: administrative approval required.

The following uses may be permitted in accordance with the provisions of Chapter 17.108 of the Lathrop Zoning Code:

~~A. Second housing units as permitted by Chapter 17.80 of the Lathrop Zoning Code.~~

~~B. A large family day care home as defined and regulated by the State Health and Safety Code for nine to fourteen (14) children inclusive, including children who reside in the home.~~

AC. Enclosed temporary construction materials storage yards required in connection with the development of a subdivision in accordance with Section 17.16.010 of the Lathrop Zoning Code.

BD. Temporary subdivision sales offices and signs, model homes, and model home display areas in accordance with Section 17.16.010.

CE. Home occupations in accordance with the provisions of Chapter 17.64 of the Lathrop Zoning Code.

DF. Garden structures in accordance with the development standards described in this section.

EG. Tennis courts, including related fencing over seven feet in height located on the same site as a permitted or conditional use.

FH. Incidental and accessory structures and uses on the same site as a use permitted by administrative approval or conditional use.

GI. Other uses added to this list according to the procedures in Section 17.16.020. (Ord. 04-245 § 3)

[...]

Article 4. R/MU-CL: Residential/Mixed-Use Zoning District

17.62.041 Purpose and application.

The R/MU-CL zoning district provides for a mix of or a single use of retail, services, restaurants, offices, higher density residential, and/or civic uses. This flexibility allows the ability to create interesting projects and other spaces at the core of the community, and to relate to the surrounding land uses and activities. (Ord. 04-245 § 3)

17.62.042 Permitted uses.

~~_____A. Any use listed as permitted in Section 17.62.022; permitted uses in the VR-CL district.~~

AB. Any use listed as permitted in Section 17.62.032: permitted uses in the HR-CL district.

BC. Services including, but not limited to:

- (1) Arts instruction (music, dance, painting)
- (2) Appliance and equipment repair (small)
- (3) Automatic teller machine
- (4) Barber/beauty shop/nail salon
- (5) Copying and printing
- (6) Drapery and blind installation
- (7) Dry cleaner/laundry (no plant on premises)
- (8) Format wear/rental
- (9) Laundromat
- (10) Locksmith

- (11) Photographic studio
- (12) Tailor
- (13) Travel agency
- (14) Watch and clock repair
- CD. Local serving retail including, but not limited to:
 - (1) Apparel/accessories
 - (2) Art gallery/supply store
 - (3) Automotive supply
 - (4) Bagel/donut shop
 - (5) Bakery
 - (6) Beauty supply store
 - (7) Beer/wine store, sales-tasting
 - (8) Bicycle shop
 - (9) Bookstore/newsstand
 - (10) Cafe
 - (11) Camera equipment and supply
 - (12) Candy and confectioners
 - (13) Computers/electronic equipment
 - (14) Coffeehouse
 - (15) Costume/wig shop
 - (16) Consignment/thrift store
 - (17) Fabric/craft store
 - (18) Delicatessen

- (19) Drug/pharmacy (prescription and over the counter)
- (20) Dry goods
- (21) Floor coverings
- (22) Florist/plant shop (fertilizer to be stored and sold only in packaged form)
- (23) Food/grocery store—Supermarkets, markets, health, specialty, other
- (24) Gift shop/novelty
- (25) Hardware
- (26) Home appliances
- (27) Ice cream/yogurt shop
- (28) Jewelry store
- (29) Music store
- (30) Paint, glass and wallpaper store
- (31) Party supplies
- (32) Pet store and supplies
- (33) Phone/Internet service provider
- (34) Postal/mail store
- (35) Picture framing shop
- (36) Restaurant (no drive-through)
- (37) Shoe store/shoe repair
- (38) Specialty goods, including cooking supplies, house wares, linen, window coverings, china/glassware, etc.
- (39) Sporting goods
- (40) Stationary/office supplies/card shop
- (41) Toy store/hobby shop

(42) Variety store

(43) Video store, subject to limitations of Chapter 5.08 of the Lathrop Municipal Code

DE. Business and professional offices, including, but not limited to:

(1) Professional offices including accounting, architectural, dental, engineering, legal, etc.

(2) Small business offices

EF. Other uses including, but not limited to:

(1) Outdoor seating for food establishments

(2) Parking lot

G. Incidental and accessory structures and uses on the same site as a permitted use.

FH. Other uses added to this list by the planning commission according to the procedures in Section 17.16.020 of the Lathrop Municipal Code. (Ord. 04-245 § 3)

17.62.043 Permitted uses: administrative approval required.

The following uses may be permitted in accordance with the provisions of Chapter 17.108 of the Lathrop Zoning Code:

~~A. Second housing units as permitted by Chapter 17.80 of the Lathrop Zoning Code.~~

AB. Enclosed temporary construction materials storage yards required in connection with the development of a subdivision in accordance with Section 17.16.010 of the Lathrop Zoning Code.

BC. Temporary subdivision sales offices and signs, model homes, and model home display areas in accordance with Section 17.16.010.

CD. Home occupations in accordance with the provisions of Chapter 17.64 of the Lathrop Zoning Code.

DE. Garden structures in accordance with the development standards described in this chapter.

EF. Tennis courts, including related fencing over seven feet in height located on the same site as a permitted or conditional use.

FG. Banks, savings and loan and other financial institutions.

GH. Electrical transmission and distribution sub-stations, gas regulator stations, public service pumping stations and elevated pressure tanks.

HI. Garden supply and plant nurseries.

IJ. Liquor, packaged.

JK. Medical, optometry, and dental clinics and offices.

KL. Recreational facility—Indoor.

LM. Incidental and accessory structures and uses on the same site as a use permitted by administrative approval or conditional use.

MN. Other uses added to this list according to the procedures in Section 17.16.020. (Ord. 04-245 § 3)

17.62.044 Conditional uses—Planning commission approval required.

The following uses may be permitted in accordance with the provisions of Chapter 17.112 of the Lathrop Zoning Code:

A. State authorized licensed day care centers ~~for thirteen (13) or more children.~~

B. Churches and other religious facilities.

~~C. A large family day care home as defined and regulated by the State Health and Safety Code for nine to fourteen (14) children inclusive, including of children who reside in the home.~~

CD. Modest expansion or remodeling of an existing nonconforming use of a structure or land, up to fifty percent (50%) or less of the value of the structure, or reestablishment of a nonconforming use which has been damaged, except nonconforming signs and outdoor advertising structures, nonconforming uses occupying a structure with an assessed valuation of less than two hundred dollars (\$200), and nonconforming fences, walls and hedges.

DE. Gas and electric transmission lines in accordance with Section 17.108.080 of the Lathrop Zoning Code, electrical distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and elevated pressure tanks.

EF. Public and quasi-public uses of an educational or religious type, including parochial schools, colleges, nursery schools, private non-profit schools and colleges, churches, parsonages and other religious institutions.

FG. Public uses of an administrative, recreational, public service or cultural type including post offices, libraries, museums, art galleries, and other public buildings, structures and

facilities; and community centers, senior centers and youth centers.

GH. Public and private charitable institutions, hospitals, sanitariums, including a state authorized, certified or licensed family care homes, foster homes or group homes serving seven or more mentally disordered or otherwise handicapped persons, including rehabilitation homes for the alcohol and/or chemically dependent, or dependent and neglected children, where such homes provide care on a twenty-four (24) hour basis.

HI. Reclaimed water storage and water quality ponds.

IJ. Spray fields.

JK. Storm drain detention and retention ponds.

KL. Bars, cocktail lounges or nightclubs.

LM. Microbreweries.

N. ~~Communications equipment.~~

MØ. Street fair or farmer’s market.

NP. Theater—Indoor (dinner, movie, live play, etc.).

OQ. Video arcade.

PR. Other uses added to this list according to the procedures in Section 17.16.020 of the Lathrop Zoning Code. (Ord. 04-245 § 3)

[...]

Table 17.62.120 Central Lathrop Specific Plan: Non-Residential Site Development Standards

	Office Commercial (CO-CL)	Office-Comm./Var. Res./WWTP (OC/VR/WWTP-CL)	Neighborhood Commercial (NC-CL)	Specialty Commercial (SPC-CL)	Residential Mixed-Use (R/MU-CL)	Public/Semi-Public/Neighborhood Commercial (P/SP/NC-CL)
Min. Street Frontage Setbacks						
Lathrop Center District	n/a ¹	n/a ¹	0	n/a ¹	0	0
Golden Valley Parkway	10	10	10	n/a	n/a ¹	n/a ¹
Other Streets	10	10	n/a ¹	10	n/a	10
Other Setbacks						
Front, Rear and Side Yards	0	0	0	0	0	0
Height Requirements						
Maximum Building Height ³	75	75	45	35	65	45
Special Tower Elements	n/a	n/a	70	70	70	70
Minimum Building Height	n/a	n/a	15	15	15	15
Building Separation						

	Office Commercial (CO-CL)	Office-Comm./Var. Res./WWTP (OC/VR/WWTP-CL)	Neighborhood Commercial (NC-CL)	Specialty Commercial (SPC-CL)	Residential Mixed-Use (R/MU-CL)	Public/Semi-Public/Neighborhood Commercial (P/SP/NC-CL)
Standard	Per CBC ⁵	Per CBC ⁵	Per CBC ⁵	Per CBC ⁵	Per CBC ⁵	Per CBC ⁵
Pedestrian Access Width	15	15	15	15	15	15
Lot Size and Coverage						
Minimum Parcel Area	None	None	None	None	None	None
Minimum Width	None	None	None	None	None	None
Minimum Depth	None	None	None	None	None	None
Maximum FAR	0.60	0.60	0.60	0.40	4.0	0.60
Maximum Coverage	70%	70%	60%	60%	90%	70%
Off-Street Parking						
Lathrop Center District	1 stall per 400 net usable square feet					
Remainder of CLSP	1 stall per 400 net usable sq. ft. for office; other uses per Chapter 17.7684 of the Lathrop Municipal Code					

Notes to Table 17.62.120

- ¹ n/a = not applicable.
- ² Building or parking area fronting any public street - measured from property line or right-of-way.
- ³ Exceptions to maximum height may be granted through Design Review for towers, steeples, cupolas, dormers, flagpoles and other architectural elements.
- ⁴ Minimum width between structures when pedestrian access way provided.
- ⁵ California Building Code.
- ⁶ Reductions of parking standards may be granted for shared parking subject to approval of a parking study concurrent with Design Review.

(Ord. 08-276 § 1)

[...]

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Chapter 17.64 HOME OCCUPATIONS

17.64.010 Procedure.

Home occupations shall be permitted only in accordance with the regulations in Chapter 17.108 and this chapter. (Ord. 92-73)

17.64.020 Standards.

A. Before approving an application for a home occupation in accordance with the provisions of Chapter 17.108 and this section, the planning director shall determine that the proposed home occupation will comply with the following standards:

1. A home occupation within a dwelling unit shall be clearly incidental to the use of the structure as a dwelling.
2. A home occupation shall not be conducted in any accessory structure, other than a garage, and there shall be no storage of equipment or supplies in any accessory structure, other than a garage, or outside the dwelling.
3. Only residents of the dwelling may be engaged in work activities at the residence. Employees may not come to the residence for work purposes, including pick-up of materials, vehicles, assignments, or similar purposes.
4. Sales of goods on the premises shall be limited to the products of the home occupation, and no merchandise or goods shall be sold, kept or displayed for the purposes of sale on the premises.
5. Merchandise not produced on the premises may be kept and stored for purposes of sale at locations off the premises; provided, that such merchandise is limited to small articles, such as jewelry, cosmetics and similar items of merchandise which can be carried by one person in a case or other container. For purposes of this standard, materials typically involved in providing contracting services, such as plumbing, heating, air conditioning, electrical, carpentry and landscaping are not included within the meaning of the clause “small articles.”
6. A home occupation may involve the performance of business and professional services in which goods, wares and merchandise are not commercially created, sold or exchanged, but shall not include beauty salons, barber shops, medical offices, tattoo parlors, fortune tellers, palm readers or similar services, unless otherwise permitted to operate a Mobile Unit authorized by the CA Department of Consumer Affairs, Board of Barbering and Cosmetology.

[...]

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Chapter 17.76 OFF-STREET PARKING AND LOADING

[...]

17.76.020 Off-street parking facilities required.

A. Definition. A “parking space” shall be an area for the parking of a motor vehicle, plus those additional areas and facilities required to provide for safe access to and from the space. The area set aside to meet these provisions must be useable and accessible for the type of parking need that must be satisfied.

B. Special Limitations and Requirements in Residential Areas.

1. In any residential district, no recreation vehicle, including motor home, camping trailer, boat trailer, boat, pick-up camper, fifth wheel or dune buggy, utility trailer shall be stored or parked except within an enclosed side or rear yard or within a garage or carport; no semi truck and trailer, semi-truck, trailer or other truck exceeding one ton of capacity shall be parked within any residential district.

2. In any residential district, all motor vehicles incapable of movement under their own power, other than in cases of emergency accident or breakdown, shall be stored in an entirely enclosed space, garage or carport. No more than one such vehicle shall be so stored at any time, and no more than one such vehicle shall be allowed to be under repair at any time. Parking on lawns or other areas in front yards, other than on a driveway, is prohibited.

C. When Off-Street Parking is Required. Except as provided in subsection J below or in Section 17.76.100, there shall be provided off-street parking facilities in accordance with the provisions of this chapter when any of the following shall occur:

1. Initial occupancy of a site;
2. A major alteration or enlargement of a use, site or building;
3. A change in use that requires additional parking.

[...]

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Chapter 17.80 ACCESSORY DWELLING UNITS

[...]

17.80.030 Development standards.

A. Development Standards. Accessory dwelling units shall comply with the following standards:

1. ADU Type, Location & Size.

a. Attached Unit. An ADU attached to an existing primary dwelling shall not exceed fifty percent (50%) of the total existing or proposed living area of the primary dwelling.

b. Detached Unit. An ADU structurally independent and detached from the existing or proposed primary dwelling shall not exceed one thousand two hundred (1,200) square feet.

c. ADUs shall have independent exterior access from the primary dwelling. No passageway to the primary dwelling shall be required.

d. ADUs shall not be required to provide fire sprinklers if they are not required for the primary residence.

2. JADU Location, Size, and Standards.

a. A JADU shall be constructed entirely within an existing or proposed primary dwelling and shall not exceed five hundred (500) square feet.

b. JADUs shall have an independent exterior entrance from the primary dwelling but may also include shared access between two units.

c. A JADU, at a minimum, shall include an efficiency kitchen as defined in Section 17.04.080.

d. The property owner shall reside in either the principal dwelling unit or the junior accessory dwelling unit.

e. Prior to issuance of a building permit for the JADU, the property owner shall file with the city a deed restriction for recordation with the County Recorder, which shall run with the land and include the provisions listed in Government Code Section 65852.22.

3. Setbacks.

a. Have minimum interior side and rear setbacks of four feet and street side setback of ten (10) feet.

b. No setback shall be required for an existing living area or accessory structure 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, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

c. Setback from Structures. Be set back from other structures on the parcel consistent with the city-adopted building code.

4. Height. Not to exceed one story or sixteen (16) feet in height, except that a detached accessory dwelling unit may be constructed above a detached garage to a maximum height of thirty (30) feet.

5. Location on Parcel. An accessory dwelling unit can either be attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing dwelling.

B. Compatibility. The accessory dwelling unit shall be designed and constructed to be compatible with the existing house as to height, style, materials, and colors.

C. Access. Doorway access shall be provided either to the side or rear of the accessory dwelling unit. Doorway access may front the street for detached ADUs as long as the detached ADU is recessed from the main dwelling unit and located behind the front yard fence. ~~Direct doorway access to the front yard is prohibited.~~ The accessory dwelling unit shall utilize the same vehicular access which serves the existing dwelling unit.

[...]

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Chapter 17.97 WIRELESS COMMUNICATION FACILITIES

17.97.010 Purpose and intent.

The purpose of this chapter is two-fold: (A) to implement within the jurisdictional boundaries of the city the applicable zoning, land use and other laws, rules, regulations and policies and procedures applicable to siting applications filed with the city by wireless communications facilities infrastructure owners and operators and wireless communications service providers, which seek to install or attach their facilities at locations in Lathrop; and (B) to accommodate new wireless technologies and continued improvements to existing wireless communications facilities while minimizing their adverse visual and structural health and safety impacts. Consistent with that purpose, the provisions of this section are to be construed in a manner that is consistent with: (1) the interest of consumers in receiving the benefits of the deployment of ultra-high-speed and high-capacity broadband wireless communication facilities technology and innovations and the delivery of ultra-high-speed and high-capacity broadband wireless communications facilities services; (2) the interest in safeguarding the environment, and addressing aesthetics and other local values; and (3) the interest in promoting the public health, safety and welfare in Lathrop.

A wireless communications facility is permitted to be sited in Lathrop subject to applicable requirements imposed by this chapter, which ~~may include~~ includes a site plan review process, and a conditional use permit application process, or both. These processes are intended to permit wireless communications facilities that blend with their existing surroundings and do not negatively impact the environment, historic properties, or public safety. The procedures prescribed by this chapter are tailored to the type of wireless communication facility that is sought. Building-mounted wireless communications facilities and collocation of facilities are preferred and encouraged, subject to all other provisions of this chapter. (Ord. 16-369 § 1)

[...]

17.97.080 Tier 3 WCF permit process and findings.

A. A Tier 3 WCF permit shall be reviewed by the planning commission as part of a site plan review and ~~or~~ conditional use permit. If denied by the planning commission, applicant may appeal to city council for reconsideration pursuant to Section 17.100.070.

B. The council on appeal shall grant a Tier 3 WCF permit provided the proposed WCF complies with the development standards in Section 17.97.090 and the conditions of approval in Section 17.97.100, and all of the site plan review findings in Chapter 17.100 and the conditional use permit findings in Chapter 17.112 can be made.

C. Planning commission or city council on appeal, shall deny a Tier 3 WCF permit if the above findings cannot be made. (Ord. 16-369 § 1)

[...]

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Chapter 17.100 SITE PLAN REVIEW

[...]

17.100.110 Revocation.

The revocation of a site plan shall be governed by the provisions of Section 17.112.1230.
(Ord. 92-73)

[...]

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Chapter 17.108 ADMINISTRATIVE APPROVAL OF CERTAIN USES

[...]

17.108.090 Review of temporary uses.

In order to assure the protection of the health, safety and welfare of the citizens of the city, while still providing for their pleasure and convenience, the community development director or the city manager's designee may issue a permit for the establishment of temporary uses within the city in accordance with the following procedure and conditions; however, at his or her discretion or at the request of the planning commission, he or she may refer any application for a temporary use or structure to the planning commission for consideration.

A. Prior to the establishment of any temporary use on any lot or parcel in the city, an administrative approval shall be obtained from the planning division. Such permit may be issued for a maximum of thirty (30) days after the date of issue for any use which is deemed by the community development director or the city manager's designee, to be of a temporary nature upon making the findings required in Section 17.108.030.

B. Temporary uses for which permits may be granted include, but are not limited to, carnivals, circuses, religious revivals, Christmas tree lots, promotions and sales in trucks or trailers, animal shows or displays and pumpkin patches.

C. Temporary uses conducted entirely within a structure that is occupied by an existing business or organization shall be exempt from the provisions of this section.

D. Ingress and egress shall be limited to that designated by the community development department. Appropriate directional signs, barricades, fences or landscaping shall be provided where required.

E. Off-street parking facilities shall be provided on the site of each temporary use.

F. Upon termination of the temporary use or abandonment of the site, the applicant shall remove all materials and equipment and restore the premises to its original condition.

G. The opening and closing time for promotional enterprises shall coincide with the hours of operation of the sponsoring commercial establishment. Reasonable time limits for other uses may be set by the community development director or the city manager's designee, based on the impact of the use on surrounding properties.

H. The following temporary uses are exempt from the permit requirements of this chapter, provided that they comply with the development standards listed herein:

1. Garage sales consistent with Section 17.16.110.
2. Fireworks stand, provided that the necessary permit(s) are obtained from the fire department and/or other regulatory agencies consistent with the requirements of Chapter 8.13.
3. Temporary events sponsored by the City and held on City owned facilities or property.
4. Temporary construction/laydown yard for a utility company that is associated with a construction project in the City.

I. Applications for temporary permits shall be submitted and processed as described in this chapter except that the application shall be accompanied by the following:

1. Five copies of a dimensional plot plan showing the following:
 - a. The subject property with the lot lines and abutting properties,
 - b. The location of the temporary use related to the subject and adjoining properties,
 - c. The parking, driveways and loading areas,
 - d. The vehicular ingress and egress;
2. One copy of the dimensioned elevations of any structure proposed for the location;
3. A description of the proposed means of providing sewer and water to the site, if appropriate;
4. A copy of the notice to animal control as required by Section 25989.1 of the California Health and Safety Code.

J. The community development director or the city manager's designee shall have the authority to approve or disapprove the application, or to approve it subject to compliance with such conditions as may be deemed necessary to carry out the purposes of this title and to meet the requirements listed in subsection A of this section.

K. In the event the applicant is not satisfied with the decision of the community development director or the city manager's designee, the applicant may appeal the decision as outlined in Section 17.108.050. (Ord. 13-329 § 1; Ord. 10-298 § 1; Ord. 99-168)

**CITY OF LATHROP
PLANNING COMMISSION RESOLUTION NO. 21-30**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LATHROP
RECOMMENDING CITY COUNCIL ADOPT VARIOUS AMENDMENTS TO THE
LATHROP MUNICIPAL CODE TO MODERNIZE, SIMPLIFY, AND STREAMLINE
VARIOUS SECTIONS OF TITLE 17, ZONING CODE AND TITLE 10, VEHICLES AND
TRAFFIC (TA-21-151)**

WHEREAS, the City of Lathrop Planning Commission held a duly noticed public hearing to consider the text amendment pursuant to the Lathrop Municipal Code; and

WHEREAS, the proposed text amendment is Citywide and affects all applicable properties in the City; and

WHEREAS, Chapter 17.124 of the Lathrop Municipal Code mandates the transmittal of a recommendation to the City Council by resolution; and

WHEREAS, the proposed text amendment is exempt according to the California Environmental Quality Act (CEQA) Article 5 §15061(b)(3) by the “Common Sense Exemption” that CEQA applies only to projects that have a potential for causing a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment; and

WHEREAS, the Planning Commission finds that the proposed text amendment is consistent with applicable provisions of the Lathrop General Plan and will implement the City’s Economic Development goals by providing streamline procedures, minor clarifications and incorporate updated policies; and

WHEREAS, proper notice of this public hearing was given in all respects as required by law; and

WHEREAS, the Planning Commission has reviewed all written evidence and oral testimony presented to date.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Lathrop based on substantial evidence in the administrative record of proceedings and pursuant to its independent review and consideration, does hereby recommend the City Council adopt Municipal Code Text Amendment No. TA-21-151 as shown in Attachments 2 through 15, incorporated by reference herein.

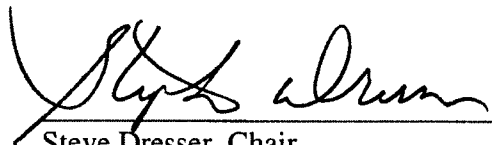
PASSED AND ADOPTED by the Planning Commission of the City of Lathrop at a regular meeting on the 15th day of December, 2021 by the following vote:

AYES: Dresser, Rhodes, Ishihara, Ralmilay

NOES: None

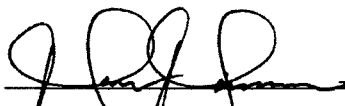
ABSTAIN: None

ABSENT: Gatto



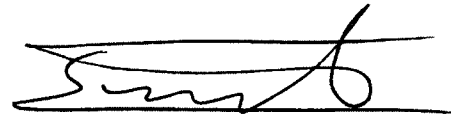
Steve Dresser, Chair

ATTEST:



Mark Meissner, Secretary

APPROVED AS TO FORM:



Salvador Navarrete, City Attorney