

## **ITEM 5.3**

### **CITY MANAGER'S REPORT APRIL 8, 2019 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

**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 Section 10.25.040 Of Title 10, Vehicles and Traffic. The Update Includes Integration of Current City Policies, State and Federal Law, and Best Practices within the Planning Profession. The amendments to the Municipal Code include the following:
  - Chapter 17.80 (Accessory Dwelling Units)
  - Chapter 17.32 (R One Family Residential District)
  - Chapter 17.49 (Crossroads Overlay District)
  - Chapter 17.92 (Landscaping and Screening Standards)
  - Chapter 17.16 (General Requirements and Exceptions)
  - Chapter 17.68 (Manufactured Housing)
  - Chapter 17.76 (Off-Street Parking and Loading)
  - Chapter 17.59 (South Lathrop Zoning Districts)
  - New Chapter 17.125 (Appeals)
  - Chapter 17.108 (Administrative Approval of Certain Uses)
  - Chapter 17.112 (Conditional Uses)
  - Chapter 17.101 (Minor Site Plan Review)
  - Chapter 17.100 (Site Plan Review)
  - Chapter 17.120 (Variances)
  - Chapter 10.25 (Vehicles and Traffic)

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**SUMMARY:**

The proposed text amendment is a staff-initiated proposal to modify various sections of the Lathrop Municipal Code (LMC) and to add one (1) new Chapter to modernize, simplify and streamline various Sections of Title 17, the Zoning Code and Title 10, Vehicles and Traffic. The proposed amendments include integration of current City policies, State law and best practices in the planning profession. Approval of the text amendments would allow greater flexibility and 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 reviews and monitors various department policies, procedures and the Zoning Ordinance for areas that need improvement. Staff determined and identified various Sections of the Zoning Ordinance, including a Section in Title 10: Vehicles and Traffic 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, and 2017. The previous updates were well received by the community and staff members that process development applications and assist residents on a daily basis. The current amendments will follow the same principles of the previous updates and include integration of current policy and procedures, apply newly adopted State and Federal law, and incorporate best practices within the planning profession. At their regular meeting of March 20, 2019, the Planning Commission voted unanimously (4-0), one absent, to recommend the City Council adopt an Ordinance regarding the proposed amendments to the Lathrop Municipal Code. Attached is the Planning Commission Resolution No. 19-03 for reference. (Attachment #17).

**ANALYSIS:**

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

Chapter 17.80 Accessory Dwelling Units (Attachment #2)

Effective January 1, 2018, California Senate Bill 229 (SB 229) and Assembly Bill 494 (AB 494) provide another update to the Accessory Dwelling Units (ADU) law (Government Code Section 65852.2) to further address barriers to the development of ADUs.

This legislation adds that an ADU can be created through the conversion of a garage, carport or other covered parking structure, and also allows for replacement of these parking spaces. The proposed LMU amendment clarifies that replacement covered parking spaces are required when existing covered parking is converted to an ADU.

The new legislation requires the City to allow ADU's to be constructed within any residential zone, so the LMC will be amended to state that ADUs may be built in areas zoned single-family or multi-family that have an existing or even proposed single-family residence.

Chapter 17.32 R One Family Residential District (Attachment #3)

The proposed code amendment revises the street-side setback for accessory structures from five (5) feet to ten (10) feet. The 'street-side' is the long side yard of a corner lot that is adjacent to the street. Changing the setback from five-feet to 10-feet ensures that accessory structures, such as sheds and gazebos, are not constructed within the 10-foot Public Utility Easement (PUE). In most cases, the PUE makes up the first 10-feet from the back of the sidewalk onto the property. Typically nothing but utilities, landscaping, and fences are allowed within the PUE.

Chapter 17.49 Crossroads Overlay District (Attachment #4)

The proposed amendment adds "Technical and business related training facilities and schools, but not including automotive or vocational trade schools" to the list of permitted uses in the Highway commercial/highway service overlay.

This use was approved by City Council in 1996 by Ordinance No. 96-140 that approved an amendment to the Crossroads Development Agreement (DA) to add this use to the zoning ordinance; however, the use never made it from the DA into zoning ordinance. The purpose of this amendment is to codify the use, as intended by Ordinance No. 96-140.

Chapter 17.16 General Requirements and Exceptions (Attachment #5)

The purpose of this code amendment is to provide the Community Development Director with the ability to make a determination of similar use. Each Zoning District has a list of permitted uses, uses permitted with an administrative approval, and conditional uses. If a proposed use is not listed, it is not permitted. The proposed code amendment would allow the Community Development Director to make a determination that a proposed use is similar to a listed use.

In addition, the proposed code amendment would provide the Community Development Director with the authority to establish minimum lot width and depth measurements for irregularly shaped lots, such as those that are not rectangular, or contain an arc.

Chapter 17.68 Manufactured Housing (Attachment #6)

The proposed amendment would implement Program 2o of the City's 2015 General Plan Housing Element to remove the minimum floor area requirement for manufactured housing, allow manufactured housing in any residential zoning district, and remove the minimum structure width requirement.

Chapter 17.76 Off-Street Parking Loading (Attachment #7)

The purpose of this code amendment for Chapter 17.76 Off-Street Parking and Loading is to add consistency with Chapter 17.92 Landscape and Screening. The amendment would remove language related to parking lot landscaping and add a reference to Chapter 17.92. Projects are required to adhere to the City's landscape and screening standards, including parking lot landscaping, such as one (1) tree per six (6) parking spaces.

The current language in this Section requires that no less than five (5) percent of the interior of a parking lot is landscaped. Although this does not conflict with the Landscape and Screening Standards Chapter, it can cause confusion having similar requirements in two different locations.

Chapter 17.92 Landscaping and Screening Standards (Attachment #7)

To allow architectural features to exceed the maximum height of a fence; for example, decorative elements such as spires on wrought iron fences or decorative caps on fence posts.

Chapter 17.59 South Lathrop Zoning Districts (Attachment #8)

Under the Development Standards Table 17.59.060, the 50-foot minimum lot width requirement is incorrectly located under the "Minimum Setbacks" Section instead of the "Minimum Lot" standards Section. The proposed code amendment moves the minimum lot frontage requirement to the Lot Width section of the table.

New Chapter 17.125 Appeals (Attachments #9 through #14)

The proposed code amendment adds a new Chapter to the Zoning Code: Chapter 17.125: Appeals. Under the current Zoning Code, Appeals procedures are located within each entitlement type. The purpose of the new Chapter is to locate the appeals procedure in one location so that it is easier to maintain consistency and easier to locate within the Zoning Code. The code amendment also includes an Approving Authority table and Appeal Authority table to clarify the responsible party for the appeal procedure.

For consistency, Chapters 17.108 Administrative Approval of Certain Uses; 17.101 Minor Site Plan Review; 17.112 Conditional Uses; 17.101 Minor Site Plan Review; 17.100 Site Plan Review; and 17.120 Variances, will each be amended to remove their individual Appeals Procedure sections, and to add a reference to the new appeals chapter (Chapter 17.125: Appeals).

Chapter 17.120 Variances (Attachment #14)

The proposed code amendment expands the list of items that qualify for a Minor Variance. Minor variances are approved by the Community Development Director.

Chapter 10.25 Vehicles and Traffic (Attachment #15)

The proposed code amendment reduces the setback for vehicles parked in the rear yard of a residence, from ten (10) feet to three (3) feet from the rear property line, and from five (5) feet to three (3) from all structures. Under the current language, a vehicle parked in the rear yard would need to be at least ten-feet from the rear yard fence and five-feet from any structure, and 5-feet from the side yard fence. The code amendment establishes a single distance requirement of three-feet to all structures and the rear fence in order to provide an easy to understand requirement that maintains emergency access between vehicles and structures, and more room to legally park in a rear yard.

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 for approval. Before any recommendation to approve by the Planning Commission, or final approval by the City Council, the following finding must be made:

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

Staff has determined that the proposed code amendments conform to the General Plan.

Public Notice

A Notice of Public Hearing was advertised in the Manteca Bulletin on March 28, 2019 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 "General Rule" 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 Section 10.25.040 of Title 10, Vehicles and Traffic.
  - Chapter 17.80 (Accessory Dwelling Units): To be consistent with new State law (SB 229 and AB 494). Amendments include permitting ADUs in areas zoned to allow single-family or multifamily, clarify setbacks for accessory dwelling units constructed above a garage, and add off-street parking requirements consistent with Chapter 17.76 of the Zoning Code.
  - Chapter 17.32 (R One Family Residential District): To amend the street side setback for accessory structures from five (5) feet to ten (10) feet.
  - Chapter 17.49 (Crossroads Overlay District): To add the technical and business related training facilities and schools use to the Highway commercial/highway service overlay.
  - Chapter 17.16 (General Requirements and Exceptions): To provide the Community Development Director the ability to make a determination of similar use and to determine the lot width and lot depth measurements for lots that are not rectangular in shape, contain an arc or do not have lot lines that are at right angles to one another.
  - Chapter 17.68 (Manufactured Housing): Implement Program 2o of the City's Housing Element by amending Chapter 17.68 by removing the minimum floor area, allowing manufactured housing in any zoning district that permits residential uses and remove the minimum width requirement.
  - Chapter 17.76 (Off-street Parking and Loading): To add consistency with the Landscape and Screening Chapter.
  - Chapter 17.92 (Landscaping and Screening Standards): To allow architectural features to exceed the maximum height of fences (e.g. vertical components such as spires on wrought iron fences).
  - Chapter 17.59 (South Lathrop Zoning Districts): To modify Table 17.59.060: Nonresidential Site Development Standards to move Street Frontage to the correct location.

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- New Chapter 17.125 (Appeals): To add an Appeals Chapter that will prescribe the Appeals process for decisions made by the Community Development Director and the Planning Commission.
- Chapter 17.108 (Administrative Approval of Certain Uses): To remove Appeal language and add a reference to the New Chapter 17.125: Appeals.
- Chapter 17.112 (Conditional Uses): To add a Section that references to the New Chapter 17.125: Appeals.
- Chapter 17.101 (Minor Site Plan Review): To remove Appeal language and add a reference to the New Chapter 17.125: Appeals.
- Chapter 17.100 (Site Plan Review): To remove Appeal language and add a reference to the New Chapter 17.125: Appeals.
- Chapter 17.120 (Variances): To expand the list of requirements that qualify for a Minor Variance and remove the Appeal language and add a reference to the New Chapter 17.125: Appeals.
- Chapter 10.25 (Vehicles and Traffic): To reduce the setback for vehicles parked in the rear yard of a residence, from ten-feet to three-feet from the rear property line, and from five-feet to three-feet from structures.

**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 17.80 Accessory Dwelling Units
3. Mark up of Chapter 17.32 R One Family Residential District
4. Mark up of Chapter 17.49 Crossroads Overlay District
5. Mark up of Chapter 17.16 General Requirements and Exceptions
6. Mark up of Chapter 17.68 Manufactured Housing
7. Mark up of Chapter 17.76 Off-Street Parking and Loading & Chapter 17.92 Landscaping and Screening Standards
8. Mark up of Chapter 17.59 South Lathrop Zoning Districts
9. New Chapter 17.125 Appeals
10. Mark up of Chapter 17.108 Administrative Approval of Certain Uses
11. Mark up of Chapter 17.112 Conditional Uses
12. Mark up of Chapter 17.101 Minor Site Plan Review
13. Mark up of Chapter 17.100 Site Plan Review
14. Mark up of Chapter 17.120 Variances
15. Mark up of Chapter 10.25 Vehicles and Traffic
16. Planning Commission Resolution No. 19-03

**CITY MANAGERS REPORT  
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MUNICIPAL CODE AMENDMENT**

**APPROVALS:**



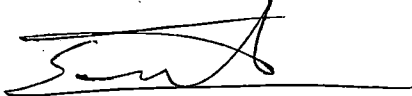
Rick Caguiat  
Principal Planner

3/25/19  
Date




Mark Meissner  
Community Development Director

3/27/19  
Date



Salvador Navarrete  
City Attorney

3-27-19  
Date



Stephen J. Salvatore  
City Manager

4.2.19  
Date



**ORDINANCE NO. 19-**

**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 SECTION 10.25.040 OF TITLE 10, VEHICLES AND TRAFFIC**

**WHEREAS**, the City of Lathrop Planning Commission held a duly noticed public hearing at a regular meeting on March 20, 2019, at which they adopted PC Resolution No. 19-03 recommending City Council adopt Municipal Code Text Amendment No. TA-19-16 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 April 8, 2019 to review and consider Municipal Code Amendment; 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 "General Rule" 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 Amendment as shown 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 8<sup>th</sup> day of April 2019, and was PASSED AND ADOPTED at a regular meeting of the City Council of the City of Lathrop on 13<sup>th</sup> day of May 2019, by the following vote:

AYES:

NOES:

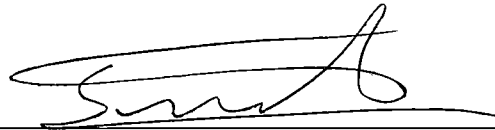
ABSTAIN:

ABSENT:

\_\_\_\_\_  
SONNY DHALIWAL, MAYOR

ATTEST:

APPROVED AS TO FORM:



\_\_\_\_\_  
Teresa Vargas, City Clerk

\_\_\_\_\_  
Salvador Navarrete, City Attorney

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## **Chapter 17.80 ACCESSORY DWELLING UNITS**

### **17.80.010 Application.**

Application. This chapter provides standards by which the city shall evaluate and ministerially approve an application for the siting and construction of an accessory dwelling unit on a lot with an existing or proposed one-family residence located areas zoned to allow single-family or multifamily use in the UR, RA, R, RM or PO zoning districts. (Ord. 18-384 § 1; Ord. 16-365 § 1; Ord. 16-355 § 1; Ord. 97-151; Ord. 92-73)

### **17.80.020 Developmental standards.**

All accessory dwelling units shall meet the following standards:

A. **Maximum Floor Area.** An accessory dwelling unit which is detached from the existing residence shall not exceed one thousand two hundred (1,200) square feet of floor area and shall conform to the development standards of this title. An accessory dwelling unit which is attached to the proposed or existing residence shall not exceed fifty percent (50%) of the existing residence and shall conform to the setback, lot coverage and height requirements for the primary dwelling, with a maximum increase in floor area of one thousand two hundred (1,200) square feet.

B. **Development Standards.** ~~Detached a~~Accessory dwelling units shall comply with the following standards:

1. **Setbacks.** Have minimum interior side and rear setbacks of five feet and street side setback of ten (10) feet. No setback shall be required for an existing garage that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

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

3. **Height.** Not to exceed one story or fifteen (15) 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.

4. **Location.** Be constructed at the rear or interior side of an existing single-family residence, or otherwise appear secondary in nature, and not be constructed in front of the primary structure.

5. Lot Size. Accessory dwelling units are permitted on lots with a minimum area of five thousand (5,000) square feet. Only one accessory dwelling second unit is allowed per lot.

6. Compatibility. The addition of an accessory dwelling unit is 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. 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.

D. Off-Street Parking. At least one additional off-street parking space shall be provided for the accessory dwelling unit or bedroom, whichever is less. The parking spaces required for the accessory dwelling unit can be in tandem to the required parking of the main residential structure, may be uncovered, and can be located within the front setback as long as all other yard requirements are met.

1. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the parking spaces shall be replaced consistent with Chapter 17.76 of this Title.

E Off-Street Parking Exemption. Off-street parking shall not be imposed in any of the following instances:

1. The accessory dwelling unit is located within one-half mile of public transit;
2. The accessory dwelling unit is located within an architecturally and historically significant historic district;
3. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure;
4. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit;
5. When there is a car share vehicle located within one block of the accessory dwelling unit.

F. Utility Service and Kitchen Facilities. Accessory dwelling units shall be provided with adequate water, sewer and other utilities (sewer allocation for one residential unit will suffice for both). The applicant shall have the option of paying installation cost and a monthly fee for a second water meter. The applicant shall also have the option of taking all sewer flow through the existing sewer lateral, or of paying the installation cost and monthly fee for a second lateral. The second unit shall also be provided with full kitchen facilities including range, oven, sink and refrigerator, as determined by the city building official.

G. Visual Appearance. An accessory dwelling unit shall be designed and constructed so as to blend with and complement the existing one-family unit to which it is attached in terms of height, roofing and siding materials, and color.

H. Mobilehomes or Manufactured Housing. Mobilehomes or manufactured housing on permanent foundations shall be permitted as an accessory dwelling unit, only if they are installed on permanent foundations, and the mobilehome complies with the 1974 National Manufactured Housing Construction and Safety Act.

I. Compliance with Other Regulations. Notwithstanding the above standards, all accessory dwelling units established under this chapter shall meet all of the requirements of the ~~UR, RA, R, RM and PO~~-zoning districts for which the accessory dwelling unit is in as to fences, walls and hedges; site area; frontage; width and depth of site; coverage; yard requirements; height of structures; distance between structures; signs; applicable building and fire codes and general provisions and exceptions. (Ord. 18-384 § 1; Ord. 16-355 § 1; Ord. 97-151; Ord. 92-73)

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## Chapter 17.32 R ONE-FAMILY RESIDENTIAL DISTRICT

[...]

### 17.32.050 Property development standards.

- A. Fences, walls and hedges shall conform to the provisions of Chapter 17.92.
- B. Site Area. The minimum site area for the R-1-6 and R-1-6X districts shall be six thousand (6,000) square feet. The minimum site area for the R-1-5 district shall be five thousand (5,000) square feet.
- C. Frontage, Width and Depth of Site.
  - 1. Each site in a R-1-6 or R-1-6X district shall have not less than sixty (60) feet of frontage on a public street, except that those sites which front on a cul-de-sac or loop-out street may have a frontage of not less than forty (40) feet, provided the width of the site, as measured along the front yard setback line, is at least sixty (60) feet; each site in an R-1-5 district shall have not less than fifty (50) feet of frontage on a public street, except as otherwise permitted under PUD regulations of this chapter.
  - 2. The minimum width of each site in a R-1-6 or R-1-6X district shall be sixty (60) feet for an interior lot and sixty-five (65) feet for a corner lot. The minimum width of each site in an R-1-5 district shall be fifty (50) feet for an interior lot and sixty (60) feet for a corner lot, except as otherwise permitted under PUD regulations of this chapter.
  - 3. The minimum depth of each site shall be ninety (90) feet for an interior lot and eighty (80) feet for a corner lot.
- D. Density. The allowable density for the R one-family residential district shall be a minimum of one to a maximum of seven dwelling units per net acre, per the city's general plan.
- E. Number of Dwelling Units per Site. Not more than one dwelling unit shall be allowed on each site, except as may be allowed under Chapter 17.80.
- F. Coverage. The maximum site area covered by structures shall be forty-five percent (45%).
- G. Yard Requirements.
  - 1. Front Yard.

a. The minimum front yard shall be twenty (20) feet; provided, that the distance from the centerline of a public street to the rear of the required front yard shall not be less than fifty (50) feet.

b. On a site situated between sites improved with buildings where the buildings are set back less than the minimum distance required by this section, the minimum front yard shall be the average depth of the front yards on the improved sites immediately adjoining the side lines of the site.

c. Garages attached to the main building may be set within fifteen (15) feet of a front property line where the garage opening is perpendicular to the curb line requiring a curved driveway approach.

d. Porches attached to the main building shall be set back from the front property line by a minimum of fifteen (15) feet.

2. Rear Yard.

a. The minimum rear yard shall be ten (10) feet. Where construction involves more than one story, including decks, balconies and other related platforms with a floor level over six feet in height, the rear yard shall be increased by ten (10) feet for each additional story.

b. Where a garage is located within a rear yard with access from an alley, it shall be set back a minimum of eleven (11) feet from the closest alley right-of-way line to provide for adequate garage ingress and egress.

3. Side Yards. The minimum side yard shall be five feet, subject to the following conditions and exceptions:

a. On a reversed corner lot, the side yard adjoining the street shall be not less than one-half the required front yard on the adjoining key lot.

b. Street side yard setback shall be ten (10) feet.

c. Garages on the street side yard of a corner lot shall meet the requirements of the public works department standards and spacing and be set back twenty (20) feet from the property line. Where a garage is located within a side yard with access from an alley, it shall be set back a minimum of eleven (11) feet from the closest alley right-of-way line.

H. Building Height. No building or structure shall have a height greater than thirty-five (35) feet, except as may be required under Chapters 17.56 and 17.112.

I. Signs. No sign or outdoor advertising structure of any character shall be permitted, except as described in Chapter 17.84.



J. Off-Street Parking and Off-Street Loading. Off-street parking and off-street loading facilities shall be provided on the site for each use as prescribed in Chapter 17.76.

K. Accessory structures ~~and landscape features~~ shall conform to the following development standards:

1. Minimum Setback Distance from Property Line.

Height	Front*	Street Side (corner lot)	Side (interior)	Rear
≤ 8 feet	Not allowed	105 ft	0 ft	0 ft
> 8 feet to 15 feet	Not allowed	105 ft	5 ft	5 ft

\* Landscape features are allowed in the front yard, rear yard, side yard and street side yard. See definition of landscape feature.

2. Setback Measurement. Minimum setback distance between property line and accessory structure shall be measured from the wall or post(s) of the supporting structural member of the structure. Overhangs are allowed consistent with the city adopted building code.

3. Separation Between Structures. All accessory structures shall maintain the minimum separation between other buildings as required under the city adopted building code.

4. Building Permit Required. A building permit shall be obtained as required under the city adopted building code.

5. Accessory structure and landscape feature are defined in Section 17.04.080 Definitions.

L. Swimming pools and hot tubs shall conform to the following development standards:

1. Swimming pools and hot tubs shall be constructed at least fifty (50) feet from the front lot line. Such pool or tub may not be located closer than three feet from any rear lot line or side lot line measured from water line.

2. Pool equipment for such pools and tubs shall not be located in a required front yard.

3. Fencing around all swimming pools shall be installed in compliance with the California Building Code. (Ord. 18-384 § 1; Ord. 16-355 § 1; Ord. 96-136; Ord. 92-96; Ord. 92-95; Ord. 92-73)

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**Chapter 17.49 CROSSROADS OVERLAY DISTRICT**

[...]

**17.49.030 Highway commercial/highway service overlay.**

A. The specified properties in the Crossroads overlay district shall include all uses permitted by Section 17.44.050 of this title and the following permitted uses:

1. Motels, hotels;
2. Eating places (including those dispensing alcoholic beverages);
3. Automobile service stations;
4. Newsstands, gift and souvenir shops, arts and crafts studios, self-service ice dispensers, laundry and dry cleaning agencies, and vending machines;
5. Factory outlet malls on parcels of no less than ten (10) acres;
6. Roadside information offices providing directions and information necessary for travelers, roadside park and rest areas, limited to temporary parking, picnic, and other outdoor recreational facilities;
7. Agriculture;
8. Commercial office space and related uses.
9. Technical and business related training facilities and schools, but not including automotive or vocational trade schools.

B. The specified properties in the Crossroads overlay district shall include all uses conditionally permitted by Section 17.44.050 of this title and the following conditional uses:

1. Banks, carwashes, new car and farm equipment sales;
2. Nightclubs, including places providing dancing;
3. Kennels for household pets when accessory to a motel or hotel;
4. Commercial recreation;
5. Barbershops, beauty shops;

6. Nurseries and greenhouses;
7. Public utility and communications equipment buildings and studios. (Ord. 18-384 § 1)

[...]

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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 17.112. (Ord. 13-329 § 1; Ord. 92-73)

### **17.16.020 Addition and Determination of permitted uses.**

A. Upon receipt of an application, or on its own initiative, the planning commission may, by resolution, add a use to the lists of permitted uses, permitted uses subject to administrative approval and conditional uses prescribed in Chapters 17.20 through 17.52, if the commission makes the following findings, as applicable:

1. That the addition of the use to the list of permitted uses will be in accordance with the purposes of the district in which the use is proposed;
2. That the use has the same basic characteristics as the uses permitted in the district;
3. That the use reasonably can be expected to conform with the required conditions for the district;
4. That the use will not be detrimental to the public health, safety or welfare, or adversely affect the character of any district in which it would be located;
5. That the use will not create more vehicular traffic than the volume normally created by the uses permitted in the district;
6. That the use will not create more odor, dirt, smoke, noise, vibration, illumination, glare, unsightliness or any other objectionable influence than the amount normally created by any of the other uses permitted in the district;
7. That the use will not create any greater hazard of fire or explosion than the hazards normally created by any of the uses permitted in the district.

B. When a use has been added to a list of permitted uses, or permitted uses subject to administrative approval or conditional uses in accordance with the procedure prescribed in this section, the use shall be deemed to be listed as a permitted use in the appropriate section and shall be added to the text of that section of this title when it is next published with a notation of the date when the use was added to the list. (Ord. 92-73)

C. When a use is not specifically listed in this Title, it shall be understood that the use may be permitted if the Community Development Director determines that the use is substantially similar to the other uses listed. It is further recognized that every use cannot be identified in this Title and, anticipating that new uses will evolve over time, this Section establishes the Community Development Director’s authority to compare a proposed use and measure it against those uses listed in this Title for determining similarity. In determining similarity, the Community Development Director shall make all of the following findings:

1. The characteristics of, and activities associated with, the proposed use are equivalent to one or more of the listed uses, and will not involve a higher level of activity or population density than the uses listed in the Zoning District;

2. The proposed use will be consistent with the purposes of the applicable Zoning District; and

3. The proposed use will be consistent with the General Plan.

Determinations shall be made in writing and shall contain the facts that support the determination. The Community Development Director shall maintain all such determinations on record. The Community Development Director’s decision may be appealed as provided in Chapter 17.125 (Appeals).

[...]

**17.16.050 Lot types, yard area and setback measurements.**

A. Lot Types. The following are the types of lots found within the city of Lathrop. A lot is a legally established parcel of land under single ownership having frontage upon a street.

1. “Corner lot” means a lot bounded by two or more abutting and intersecting street lines.

2. “Double frontage lot” means an interior lot bounded by two or more abutting street lines that do not intersect.

3. “Flag lot” means a lot connected to a street by an access corridor such as an alley, narrow private drive, or access easement.

4. “Interior lot” means a lot which is not a corner lot and only has one street frontage.

5. “Key lot” means the first interior lot to the rear of a reversed corner lot.

6. “Reverse corner lot” means a corner lot in which the rear property line abuts the front yard area of an adjoining interior lot (as opposed to the rear yard of another corner lot).

B. Yard Area. A yard is an area between a property line and building or structure, unobstructed and unoccupied from the ground upward. There are three general types of yards as follows:

1. Front Yard. An area extending across the full width of the lot between the front lot line and the required setback.

2. Rear Yard. An area extending the full width of the lot between a rear lot line and the required setback.

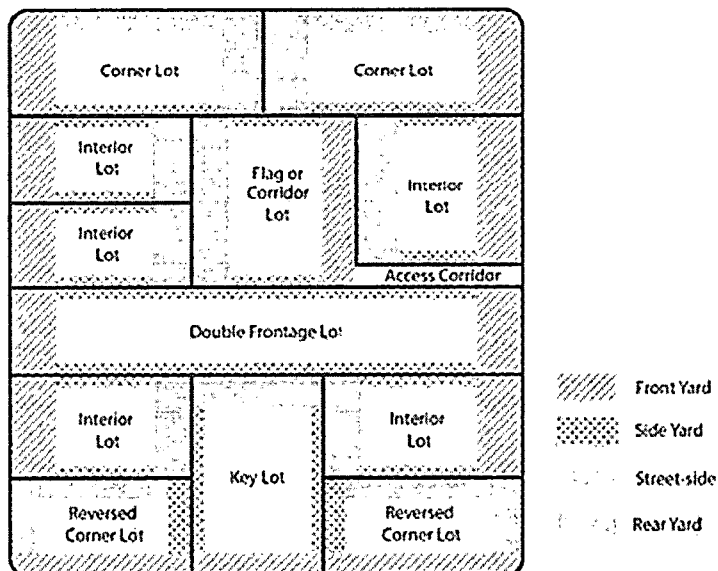
3. Side Yard. An area extending from the front yard to the rear yard between the nearest side lot line and the required setback.

4. Street Side Yard. An area extending from the front yard to the rear yard between the lot line abutting the public street and the required setback.

C. A required yard area is the yard space between the property line and the minimum setback as required by this title.

D. An actual yard is the yard space between the property line and the nearest structure located outside of the required setback area.

The following figure represents the types of lots and yard areas:



E. **Setback Measurements.** Setback distances shall be measured at right angles from the designated property line (e.g., front, interior side, street-side, rear) and the setback line shall be drawn parallel to the designated property line at the required setback distance. Designated property lines are determined as follows:

1. **Front Property Line.** The front property line shall be the narrowest property line which abuts a public street. For corner lots, the front property line shall be the shortest street frontage, regardless of where the front door is located. In the case of a flag lot, it shall be the property line that abuts the access corridor.

2. **Rear Property Line.** The rear property line shall be the property line which is opposite and most distant from the front property line and most parallel to the front property line.

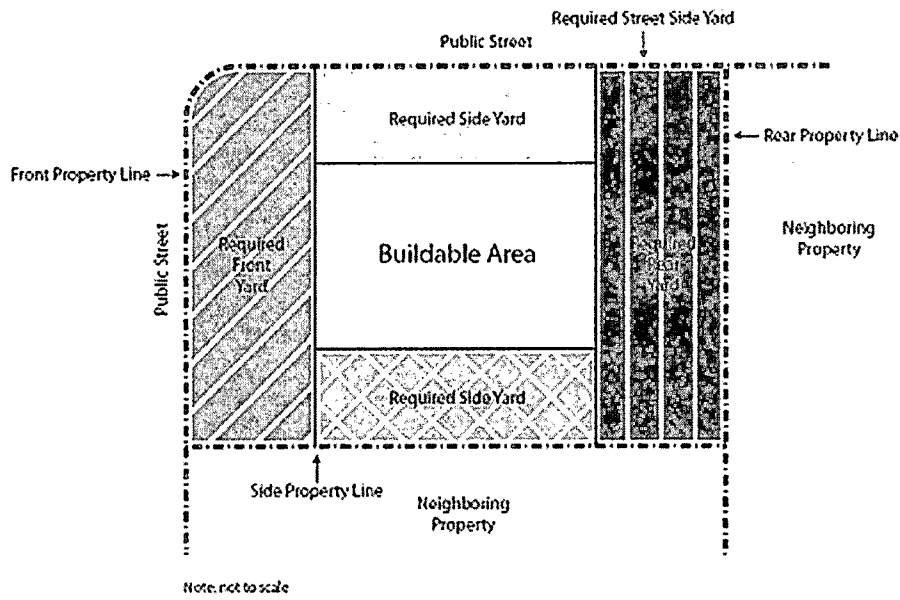
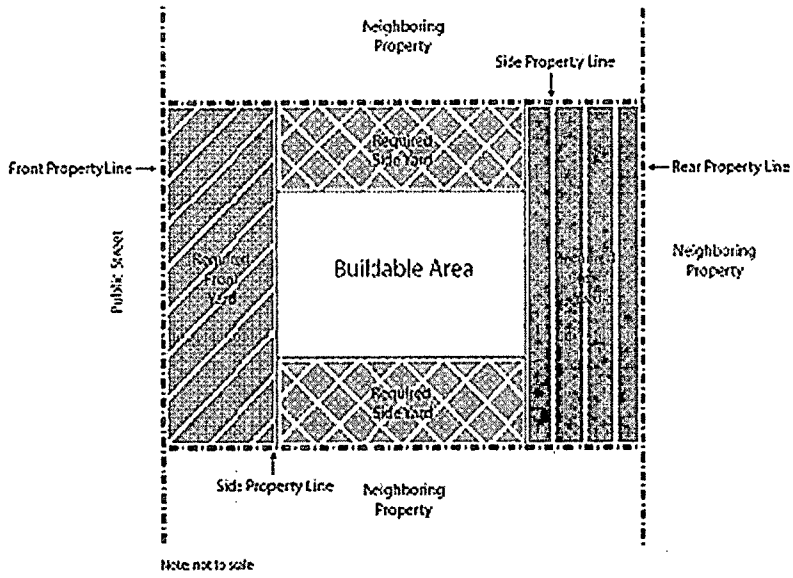
3. **Side Property Line.** The side property line shall be those property lines that are not the front or rear property lines.

4. **Street Side Property Line.** The street side property line shall be that which abuts a public street.

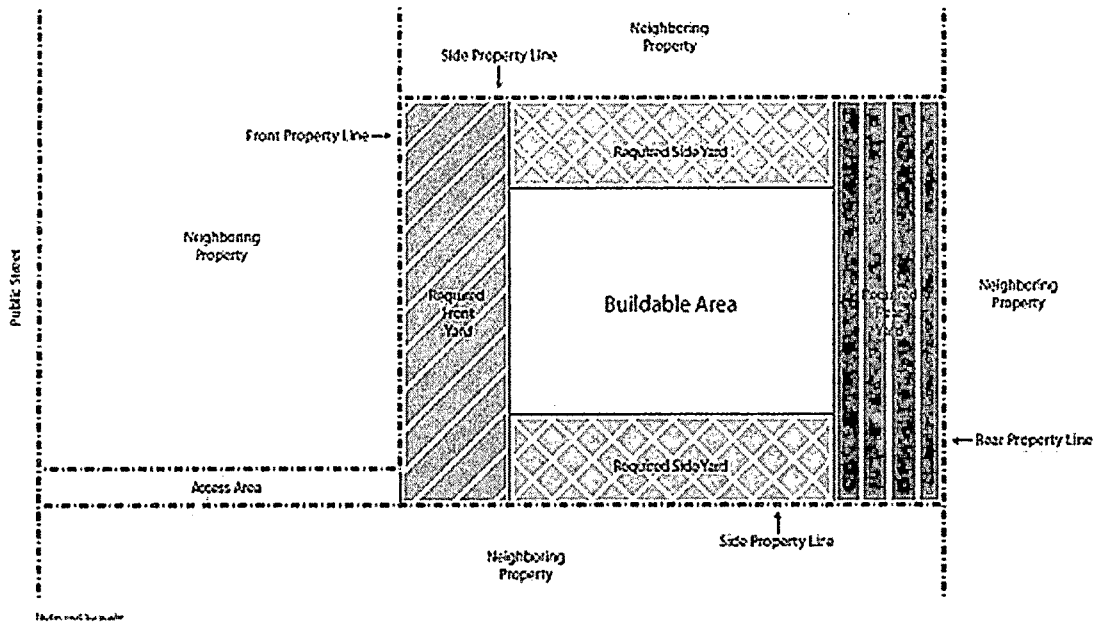
5. **Easements.** When there is a landscape easement that exists between a residence and street, the setbacks shall be measured from the back of sidewalk.

F. **Irregular Shaped Lots.** The community development director shall determine the setback measurements and minimum lot width and depth for lots that are not rectangular in shape (more or less than four sides), contain an arc or do not have lot lines that are at right angles to one another.

G. \_\_\_\_\_ The following figure represents the types of property lines for interior, corner and flag lots:







(Ord. 16-355 § 1)

[...]

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## Chapter 17.68 MANUFACTURED HOUSING

### 17.68.010 Application.

The provisions of this chapter shall apply to all single-family dwellings and mobilehomes on permanent foundations listed as permitted uses within any zoning district that permits residential uses~~UR, RA, R, RM and PO districts.~~ (Ord. 92-73)

### 17.68.020 Development and architectural standards.

All single-family dwellings and mobilehomes on permanent foundations shall meet the following developmental/architectural standards:

A. Garages. A garage with two vehicle spaces shall be provided for every dwelling located on a lot which is not a part of a mobilehome subdivision.

B. Minimum Floor Area. There shall be no minimum floor area.~~The minimum floor area for every dwelling located, which is not a part of a mobilehome subdivision, shall be eight hundred (800) square feet, excluding the area of the garage.~~

C. Roof Overhang. All main buildings shall have a pitched roof with a minimum twelve (12) inch roof overhang on each of the dwelling's perimeter walls such that the overhang is architecturally integrated into the design of the dwelling unit.

D. Roofing Material. All main buildings, and all detached garages and carports located on the front half of the lot shall have a roof constituted of either wood shakes, asphalt, composition or wood shingles, clay, tile, concrete or metal tile, slate or built-up asphaltic-gravel materials.

E. Sliding Material. All main buildings and all detached garages located on the front half of the lot shall have exterior siding material consisting of either wood, masonry, concrete, stucco, Masonite or metal lap. The exterior siding material shall extend to ground level, except that when a solid concrete or masonry perimeter foundation is used, the siding material need not extend below the top of the foundation.

F. Foundations. All main buildings shall be placed on a permanent foundation which meets applicable building code requirements and/or the provisions of Sections 18551 and 18613.4 of the California Health and Safety Code, such that the floor elevation of the dwelling is reasonably compatible with the floor elevations of the surrounding dwelling units.

~~G. Minimum Width. The minimum width of a dwelling located on a lot outside of a mobilehome subdivision shall be twenty (20) feet.~~

GH. Surrender of Registration. Subsequent to applying for a building permit, and prior to occupancy of a mobilehome on a permanent foundation, the owner shall request that a certification of occupancy be issued by the building official pursuant to Section 18551 of the California Health and Safety Code. Thereafter, any vehicle license plate, certificate of ownership and certificate of registration issued by a state agency is to be surrendered to the issuing state agency. Any mobilehome on a permanent foundation must bear a California insignia or federal label pursuant to Section 18026 of the California Health and Safety Code.

HI. Tow Bars, Wheels and Axles. All mobilehome tow bars, wheels and axles shall be removed when the dwelling is installed on a residential lot.

IJ. Deviations. The planning director may approve deviations from one or more of the standards of this section on the basis of a finding that the architectural style proposed provides compensating design features, and that the proposed dwelling will be compatible and harmonious with existing structures in the vicinity. The determination of the director may be appealed to the city council in accordance with the provisions of Section 17.108.050 of this title. (Ord. 16-355 § 1; Ord. 06-263 § 1; Ord. 92-73)

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[...]

**17.76.070 Screening, fencing and landscaping.**

A. Where an off-street parking area in a non-residential~~C~~ district ~~adjoins~~~~ad joins~~ a residential, ~~RA, R, RM~~ or PO district, the visual interface between the parking area and such districts shall be designed and developed so as to avoid obtrusive visual impacts of the parking area on such districts.

B. ~~In a RM, PO, C or I district, not less than five percent of the interior of a parking area shall be landscaped with trees and other plant materials suitable for ornamentation. Landscaped areas shall be distributed throughout the parking area to the extent practical in consideration of the size and design of the parking area.~~ All screening, fencing, and landscaping shall be consistent with Chapter 17.92 of this title.

~~C. All screening, fencing and landscaping for all off street parking areas shall conform to Section 17.42.070. (Ord. 96 136; Ord. 92 73)~~

[...]

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## **Chapter 17.92 LANDSCAPING AND SCREENING STANDARDS**

[...]

### **17.92.070 Parking, noise attenuation, and screening.**

Screening and landscaping of open parking and loading areas shall be provided as follows:

- A. Parking lots located on the project site of ten (10) parking spaces or less that area adjacent to the project property lines shall include a five-foot landscape strip buffer installed continuously along the property line unless it is adjacent to an area that is designated on the general plan for residential use, zoned for residential use or where an existing residential use exists or abuts a street frontage; in such occurrences, the planting strip shall be ten (10) feet in width minimum. Parking areas of more than ten (10) parking stalls shall include a ten (10) foot landscape strip buffer installed continuously along the property line in all cases.
- B. Trees shall be planted in the landscaped area at the area of one tree per six parking spaces. The trees planted shall be selected from the criteria as described in Section 17.92.090, and approved by the community development director. Open parking areas on streets shall have a minimum five-foot planting strip. The planting strip shall be measured from the street right-of-way line allowing openings for walkways and driveways. All trees planted along a public right-of-way shall be maintained to allow a minimum clearance of ten (10) feet from grade.
- C. All parking areas and parking lots shall also be in compliance with the adopted zoning ordinance and other city ordinances, resolutions, and regulations as set forth by the city council.
- D. If a commercial, industrial, or multifamily residential project abuts a residential zone, an area designated on the general plan for residential use, or an existing residential use, a solid masonry wall eight feet in height shall be erected to the adjoining planting strip.
- E. Residential land uses that are noise impacted per the general plan noise element may incorporate effective sound attenuation measures to reduce noise to acceptable levels, including sound walls exceeding the maximum height of this title.
- F. All outside storage areas shall be screened so as not to be visible from adjacent properties and public rights-of-way. Screening shall be a minimum of six feet in height, and consist of a solid material. Outside storage is not permitted in front or street side yards, or in front of structures.
- G. Trash enclosures shall be provided for each development. Each enclosure shall consist of three solid walls and a gated fourth wall.

H. Roof mounted mechanical equipment, tanks, ventilating fans and similar equipment shall be screened from the view of adjacent properties and public rights-of-way at grade. The required screens shall be architecturally compatible with the building or structure on which they are used.

I. Industrial projects shall be allowed security fencing, which may include a maximum of two feet of barbed wire adjacent to areas that are not zoned or planned for residential use. The total height of such fencing shall not exceed eight feet in height.

J. Fence and Wall Maximum Allowed Heights and Locations. Each fence and wall on a residential property shall comply with height limits and locations shown in the table below:

Location of Fence or Wall	Maximum Height <sup>1,4</sup>
Within required front setback <sup>2</sup>	3 feet <sup>3</sup>
Within required street side setback <5 feet from back of sidewalk <sup>2</sup>	3 feet <sup>3</sup>
≥5 feet from back of sidewalk <sup>2,45</sup>	7 feet
Within required interior side and rear setback	7 feet
At the intersections of streets, alleys, and driveways <sup>56</sup>	3 feet

**Notes:**

1. As part of a discretionary entitlement, the city may grant additional height or location requirements to enclose or screen specific areas or uses for fences and walls designed for noise attenuation.
2. Setback area is measured from back of sidewalk to the fence. If no sidewalk exists, the setback is measured from the property line to the fence.
3. Height of front and street side fence may be increased to four feet if the fence remains substantially (minimum fifty percent (50%)) open and transparent (e.g., picket fence, open wood slats, open wrought iron).
4. Architectural features on fences may exceed the maximum height (e.g. vertical components such as spires on wrought iron fences). The average height of the fence, including architectural features, shall not exceed the maximum height permitted above.
54. For reversed corner lots, fences greater than three feet in height shall be set back a minimum of ten (10) feet from the back of sidewalk.
65. See definition of clear visibility triangle in Section 17.04.080.

K. Fence and Wall Design and Maintenance Standards.

1. Fencing Materials. Fences and walls shall be constructed of attractive, long-lasting materials (e.g., masonry, wood, tubular steel, or stone).

2. Prohibited Fencing Materials. Unless approved as a condition of approval or in conjunction with another entitlement, walls or fences of sheet or corrugated iron, sheet steel, concertina wire, or sheer aluminum are prohibited. Barbed wire fencing, concertina wire, serpentine wire, razor wire, and other similar fencing materials shall not be constructed or placed on top of a fence except where property is used for agricultural, open space, or industrial uses.

3. Maintenance. Fences and walls shall be continuously maintained in an orderly and good condition.

4. Temporary Fences. Nothing in this chapter shall be deemed to prohibit the erection of a temporary fence around construction projects in compliance with the city adopted building code and other applicable provision of the municipal code. (Ord. 18-384 § 1; Ord. 16-355 § 1; Ord. 92-96)

[...]

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**Chapter 17.59 SOUTH LATHROP ZONING DISTRICTS**

[...]

**17.59.060 Development standards.**

**Table 17.59.060 South Lathrop Specific Plan: Nonresidential Site Development Standards**

	<b>CO-SL</b>	<b>IL-SL</b>
Minimum Parcel Size (sf)	5,000	5,000
Minimum Lot		
Width	50'	50'
Depth	100'	100'
Street Frontage	50' <sup>(2)</sup>	50' <sup>(2)</sup>
Minimum Setbacks <sup>(1)</sup>		
Street Frontage	50' <sup>(2)</sup>	50' <sup>(2)</sup>
Front Yard	15'	15'
Side Yard	5'	0' <sup>(3)</sup>
Rear Yard	5'	0' <sup>(3)</sup>
Distance Between Structures	10'	10'
Maximum Lot Coverage	70%	70%
Maximum Building Height	40'	76'
Landscape Requirements <sup>(4)</sup>		
Landscape Coverage (Minimum) (5)	15% <sup>(6)</sup>	10% <sup>(6)</sup>
Minimum Parking Requirements	Per Lathrop Zoning Ordinance, Chapter 17.76	Per Lathrop Zoning Ordinance, Chapter 17.76
Signage	Per Master Signage Program, and/or Chapter 17.84	Per Master Signage Program, and/or Chapter 17.84

Footnotes to Table 17.59.060:

- (1) Minimum standards may need to be revised based on parcel configuration and proposed land use; community development director to approve minor deviations.
- (2) Those sites with public street frontage on a curve or cul-de-sac may have frontages of not less than 40', provided that the width of the site as measured along the front yard setback line is at least 50'.
- (3) Except where abutting an adjacent structure; see distance between structures standard.
- (4) For landscape standards reference Chapter 17.92 of the Lathrop Municipal Code.
- (5) Measured as a percentage of net lot acreage.
- (6) Landscape coverage is encouraged to include recreation and open space amenities for employees and visitors consistent with Section 5.5.1.1.F, Public Spaces and Pedestrian Amenities, of the South Lathrop Specific Plan; recreation and open space amenities will count toward the landscape requirement.

(Ord. 15-348 § 4)



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**Chapter 17.125 APPEALS**

**17.125.010 Purposes and Applicability**

A. The purpose of these provisions is to prescribe the procedure through which an appeal may be made in case an interested person is dissatisfied with any order, requirement, permit, decision, determination, or disapproval, made in an administration, interpretation, or enforcement of this title.

**17.125.020 Approving Authority**

A. The following table identifies the Approving Authority for each entitlement.

<u>Entitlement</u>	<u>Approving Authority</u>	
	<u>Community Development Director</u>	<u>Planning Commission</u>
<u>Site Plan Review</u>		<u>X</u>
<u>Minor Site Plan Review</u>	<u>X</u>	
<u>Administrative Approval of Certain Uses</u>	<u>X</u>	
<u>Conditional Uses</u>		<u>X</u>
<u>Variances</u>		<u>X</u>
<u>Home Occupation</u>	<u>X</u>	
<u>Master Sign Program and Sign Design</u>	<u>X</u>	
<u>Architectural Design Review</u>	<u>X</u>	
<u>Determination of Similar Use</u>	<u>X</u>	

**17.125.030 Appeal Authority**

A. Any person dissatisfied with a determination or action of the Community Development Director or Planning Commission made pursuant to this Article may appeal such action to the designated Appeal Authority listed in the table below, within 10 days from the date of the action. Actions by the City Council are final, and no further administrative appeals are available.

<u>Approving Authority for Action Being Appealed</u>	<u>Appeal Authority</u>	
	<u>Planning Commission</u>	<u>City Council</u>
<u>Community Development Director</u>	<u>X</u>	
<u>Planning Commission</u>		<u>X</u>

**17.125.040 Filing an Appeal**

A. All appeals shall be submitted in writing, identifying the determination or action being appealed and specifically stating the basis or grounds of the appeal. Appeals shall be filed within 10 days from, but not including, the date of determination or action for which an appeal is made,

accompanied by a filing fee established by City Council resolution, and submitted to the Community Development Director. The time limit will extend to the following business day where the last of the specified number of days falls on a day that the City is not open for business. The filing of an appeal shall stay the issuance of any necessary subsequent permit(s) associated with any right or entitlement that will be subject of the appeal.

1. Appeal of the Community Development Director Decision

a. The applicant or any other person may appeal such decision by filing a written notice of appeal with the Community Development Director prior to the time the decision becomes final. The Community Development Director shall furnish forms of notice of appeal.

2. Appeal of Planning Commission Decision

a. The applicant or any other person aggrieved may appeal such decision by filing a written notice of appeal with the Community Development Director prior to the time the decision becomes final.

**17.125.050 Notice and Schedule of Appeal Hearings**

A. Unless otherwise agreed upon by the person filing the appeal and the applicant, appeal hearings should be conducted within 45 days from the date of appeal submittal. Notice of hearing for the appeal shall be provided pursuant to noticing requirements consistent with State law.

**17.125.060 Appeal Hearing and Action**

A. Each appeal shall be considered a de novo (new) hearing. In taking its action on an appeal, the Appeal Authority shall state the basis for its action. Only such evidence and plans as were submitted to and ruled upon by the Approving Authority may be provided to the Appeal Authority for review. The Appeal Authority may act to confirm, modify, or reverse the action of the Approving Authority, in whole or in part, or add or amend such conditions as it deems necessary. The action of the Appeal Authority is final on the date of decision and, unless expressly provided by this Chapter, may not be further appealed.

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## Chapter 17.108 ADMINISTRATIVE APPROVAL OF CERTAIN USES

[...]

### 17.108.050 Appeals.

Appeal of the Approving Authority's action on the request for Administrative Approval entitlement shall be made in accordance with the procedures specified in Chapter 17.125: Appeals

~~A. In the event the applicant is not satisfied with any condition or conditions of approval imposed by the director, the applicant may submit an application to the planning commission for a conditional use permit in the manner prescribed in Chapter 17.112. In submitting an application for a conditional use permit, only that information and data required under Chapter 17.112 need be submitted, which is required in addition to that previously submitted as part of the application for administrative approval.~~

~~B. Except as provided in subsection C below, in the event the application for administrative approval is disapproved by the director, the application, upon written appeal from the applicant within ten (10) days following the notice of the decision date pursuant to the provisions in Section 17.108.040, shall automatically become an application for conditional use permit, and shall be processed in the manner prescribed in Chapter 17.112. The applicant shall submit such additional information and data required by the provisions of Chapter 17.112 as not previously submitted with his application for administrative approval within five days following the filing of an appeal.~~

~~C. Appeals filed in the event of director disapproval of an application for a mobilehome on a permanent foundation shall be processed as provided under subsections D, E and F of this section.~~

~~D. Within ten (10) days following the date of a decision by the director, the decision may be appealed in writing to the planning commission by the applicant or any interested party. An appeal shall be filed with the planning department, and shall state specifically wherein it is claimed that there was an error or abuse of discretion by the director, or wherein the decision is not supported by the evidence in the record.~~

~~E. The director shall give notice in writing to the applicant and to the appellant (if the applicant is not the appellant) of the time when the appeal will be considered by the commission.~~

~~F. The commission shall hear the appeal at its next regular meeting, to be held not less than fourteen (14) days after the filing of the appeal. The commission may affirm, modify or reverse a decision of the director, provided that if the decision is modified or reversed, the commission shall, on the basis of the record and such additional evidence as may be submitted, make the determination required under Section 17.112.060. (Prior code § 185.05)~~

[...]

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**Chapter 17.112 CONDITIONAL USES**

[...]

**17.112.160 Minor revisions to a previously approved conditional use permit.**

A use permit granted under the provisions of this chapter or a conforming conditional use established prior to the enactment of this chapter may be revised; provided, that such revisions are minor, as determined by the planning commission. Application for minor revisions shall be made in writing. The commission may approve such revisions without public hearing, provided that the commission can determine that the revisions will not substantially change the intensity or character of the use as previously approved by the city. (Ord. 18-384 § 1; Ord. 92-73)

**17.112.170 Appeals.**

Appeal of the Approving Authority's action on the request for Conditional Use entitlement shall be made in accordance with the procedures specified in Chapter 17.125: Appeals

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## Chapter 17.101 MINOR SITE PLAN REVIEW

[...]

### 17.101.050 Appeals.

Appeal of the Approving Authority's action on the request for Minor Site Plan Review entitlement shall be made in accordance with the procedures specified in Chapter 17.125: Appeals

~~A. In the event the applicant is not satisfied with any condition or conditions of approval by the director, the applicant may submit an application to the planning commission for a conditional use permit in the manner prescribed in Chapter 17.112. In submitting an application for a conditional use permit, only that information and data required under Chapter 17.112 need be submitted, which is required in addition to that previously submitted as part of the application for minor site plan review.~~

~~B. Except as provided in subsection C below, in the event the application for minor site plan review is disapproved by the director, the application, upon written appeal from the applicant within ten (10) days following the notice of the decision date pursuant to the provisions in Section 17.100.040, shall automatically become an application for conditional use permit, and shall be processed in the manner prescribed in Chapter 17.112. The applicant shall submit such information and data required by the provisions of Chapter 17.112 as not previously submitted with his application for minor site plan review within five days following the filing of an appeal.~~

~~C. Within ten (10) days following the date of decision by the director, the decision may be appealed in writing to the planning commission by the applicant or any interested party. An appeal shall be filed with the planning department, and shall state specifically wherein it is claimed that there was an error or abuse of discretion by the director, or wherein the decision is not supported by the evidence in the record.~~

~~D. The commission shall hear the appeal at its next regular meeting, to be held not less than fourteen (14) days after the filing of the appeal. The commission may affirm, modify or reverse a decision of the director, provided that if the decision is modified or reversed, the commission shall, on the basis of the record and such additional evidence as may be submitted, make the determination required under Section 17.112.060. (Ord. 18-384 § 1)~~

[...]

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**Chapter 17.100 SITE PLAN REVIEW**

[...]

**17.100.070 Appeals ~~to city council.~~**

Appeal of the Approving Authority's action on the request for Site Plan Review entitlement shall be made in accordance with the procedures specified in Chapter 17.125: Appeals

~~A. Within ten (10) days following the date of decision on a site plan application by the planning commission, the decision may be appealed to the city council by the applicant or any other interested party. An appeal shall be filed with the city clerk. The appeal shall state specifically wherein it is claimed that there was an error or abuse of discretion by the commission or wherein its decision is not supported by the evidence in the record.~~

~~B. Within five days following the filing of an appeal, the secretary of the planning commission shall transmit to the city clerk the drawings of the site and all other data filed therewith, the findings of the planning commission and the commission's decision on the application for review and action by the city council. The city clerk shall give notice to the applicant and to the appellant (if not the applicant) of the time when the appeal will be considered by the city council.~~

~~C. The city council shall hear the appeal at its next regular meeting held not less than ten (10) days after the filing of the appeal. The council may affirm, reverse or modify a decision of the planning commission; provided, that if a decision is modified or reversed, the city council shall, on the basis of the record transmitted and such additional evidence as may be submitted, make the applicable findings prerequisite to the approval of a site plan as prescribed in Section 17.100.050.~~

~~D. A site plan which has been the subject of an appeal to the city council shall become effective immediately following the date on which the site plan is affirmed or modified by the council. (Ord. 92-73)~~

[...]

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**Chapter 17.120 VARIANCES**

**17.120.010 Purposes.**

The planning commission is empowered to grant variances only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning code deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. The power to grant variances does not extend to use regulations because the flexibility necessary to avoid results inconsistent with the objectives of the zoning code is provided by the conditional use, planned unit development and amendment provisions of this chapter. (Ord. 92-73)

**17.120.020 Authority of the community development director or the city manager’s designee.**

A. The community development director or the city manager’s designee shall have the authority to approve minor variance applications that are not subject to the provisions of the California Environmental Quality Act (CEQA) as codified in the Public Resources Code, including requests for minor setback, and side-yard, lot coverage, floor area ratio, off-street parking, height, landscaping, lighting, and other development standards or requirements as determined by the Community Development Director. Such applications shall be deemed “Minor Variance” applications for purposes of this code.

B. Approval by the director shall be given after written notice has been given to property owners within three hundred (300) feet of the subject properties involved. The decision of the community development director or the city manager’s designee, may be appealed to the planning commission in accordance with the procedure described in Section 16.20.050 of this code. The director may also refer action on any minor variance application to the planning commission in which the director cannot make findings required in Section 17.120.080 of this code. Such referrals shall require an applicant to follow the provisions of this chapter. (Ord. 10-298 § 1; Ord. 96-136)

[...]

**17.120.090 Appeals to city council.**

Appeal of the Approving Authority’s action on the request for Variance entitlement shall be made in accordance with the procedures specified in Chapter 17.125: Appeals

~~A. Within ten (10) days following the date of a decision of the planning commission on a variance application, the decision may be appealed to the city council by the applicant, or any other interested party. An appeal shall be made in writing to the city clerk, stating specifically wherein it is claimed that there was an error or abuse of discretion by the planning commission, or the commission’s decision is not supported by the evidence in the record.~~

~~\_\_\_\_\_ B. \_\_\_\_\_ Within five days of the filing of an appeal, the secretary of the planning commission shall transmit to the city clerk the file on the variance application and the commission's action thereon for review and action by the city council.~~

~~\_\_\_\_\_ C. \_\_\_\_\_ The city clerk shall give notice to the applicant and the appellant (if not the applicant), and may give notice to any other interested party of the time when the appeal will be considered by the city council. (Ord. 92-73)~~

**~~17.120.100 Action by city council.~~**

~~\_\_\_\_\_ A. \_\_\_\_\_ The city council shall hear the appeal at its next regular meeting following a period of ten (10) days after the appeal has been filed. The council may affirm, reverse or modify a decision of the planning commission on a variance application, provided that if a decision denying a variance is reversed or a decision approving a variance is modified, the city council shall, on the basis of the record transmitted and such additional evidence as may be submitted, make the findings prerequisite to the granting of a variance as prescribed in Section 17.120.040.~~

~~\_\_\_\_\_ B. \_\_\_\_\_ A variance which has been the subject of an appeal shall become effective immediately following the date on which the variance is granted by the city council. (Ord. 92-73)~~

**~~17.120.1010 Building permit.~~**

The issuance of a building permit shall be governed by the provisions of Section 17.112.090. (Ord. 92-73)

**~~17.120.1120 Lapse of variance.~~**

A variance shall lapse and shall become void thirty-six (36) months following the date on which the variance becomes effective, unless by condition of the variance a greater time is allowed, or unless prior to the expiration of thirty-six (36) months, a building permit is issued by the building official and construction is commenced and diligently pursued toward completion on a site which was the subject of the variance application.

A variance may be renewed for an additional twelve (12) months; provided, that prior to the expiration of twelve (12) months from the date when the variance originally became effective, a request for renewal of the variance is made in writing to the planning commission. The commission may grant or deny a request for renewal of a variance.

Notwithstanding, if a development agreement has been adopted for a subject site, the expiration date of subsequent project approvals may be set forth in the development agreement.

The period of time specified in this section shall not include any period of time in which the city is precluded from approving discretionary permits, discretionary entitlements, and/or ministerial



permits related to urban level flood protection pursuant to Government Code Section 65962. (Ord. 16-361 § 1; Ord. 97-151; Ord. 92-73)

**17.120.1230 Revocation of variance.**

The revocation of a variance approval shall be governed by the provisions of Section 17.112.130. (Ord. 92-73)

**17.120.1340 New application.**

Following the denial of a variance application or the revocation of a variance, no application for the same or substantially the same variance on the same or substantially the same site shall be filed within six months of the date of denial of the variance application or revocation of the variance. (Ord. 92-73)

New text is shown by underline; deleted text is shown by ~~strikethrough~~

**Chapter 10.25 VEHICLE PARKING IN YARDS OF RESIDENTIAL AREAS**

[...]

**10.25.040 Rear yard vehicle parking.**

If the responsible person wishes to park vehicles in his or her rear yard, the vehicle~~he or she~~ must meet the required setbacks listed below and shall be parked on an approved surface, compacted gravel, or clean dirt. Vehicles must be set away at least three (3)~~ten (10)~~ feet from the rear yard fence and three (3) feet from all structures.~~Vehicles must also be five feet from all structures including, but not limited to, buildings, side yard fences, and other structures.~~ This is intended to grant egress and ingress of safety personnel and equipment during fire or police emergencies. Rear yards shall not be used as a storage place for vehicles to be stowed away for commercial purposes. (Ord. 09-292 § 1)

[...]

**CITY OF LATHROP  
PLANNING COMMISSION RESOLUTION NO. 19-03**

**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, THE ZONING CODE, AND TITLE 10, VEHICLES AND TRAFFIC (TA-19-16)**

**WHEREAS**, the City of Lathrop Planning Commission held a duly noticed public meeting 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 by the "General Rule" 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-19-16 as shown in Attachments B through P, incorporated by reference herein.

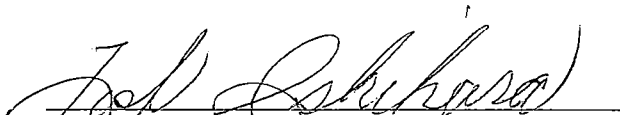
**PASSED AND ADOPTED** by the Planning Commission of the City of Lathrop at a regular meeting on the 20<sup>th</sup> day of March, 2019 by the following vote:

AYES: Ishihara, Gatto, Ralmilay, Dresser

NOES: None

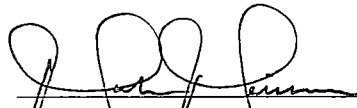
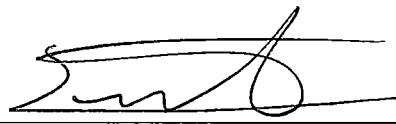
ABSTAIN: None

ABSENT: Rhodes

  
\_\_\_\_\_  
Tosh Ishihara, Chair

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Mark Meissner, Secretary  
\_\_\_\_\_  
Salvador Navarrete, City Attorney