

ITEM 4.4

**CITY MANAGER’S REPORT
FEBRUARY 12, 2024 CITY COUNCIL REGULAR MEETING**

ITEM: **SECOND READING AND ADOPTION OF ORDINANCE 24-455 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 5, BUSINESS LICENSES AND REGULATIONS, TITLE 8, HEALTH AND SAFETY, TITLE 15, BUILDINGS AND CONSTRUCTION, AND TITLE 17, ZONING (TA-23-139)**

RECOMMENDATION: **Waive Full Reading and Adopt Ordinance 24-455 Adopting Various Amendments To The Lathrop Municipal Code To Modernize, Simplify, And Streamline Various Sections Of Title 5, Business Licenses And Regulations, Title 8, Health And Safety, Title 15, Buildings And Construction, And Title 17, Zoning (TA-23-139)**

RECOMMENDED ACTION:

The City Council to conduct a second reading and adopt Ordinance 24-455 entitled:

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 5, BUSINESS LICENSES AND REGULATIONS, TITLE 8, HEALTH AND SAFETY, TITLE 15, BUILDINGS AND CONSTRUCTION, AND TITLE 17, ZONING (TA-23-139)

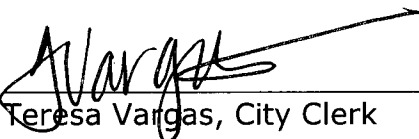
SUMMARY:

On January 8, 2024, the City Council approved the introduction and first reading of the subject Ordinance by the following vote:

- AYES: Akinjo, Diallo, Torres-O’Callaghan, and Dhaliwal
- NOES: None
- ABSTAIN: None
- ABSENT: Lazard

The Ordinance will take effect 30 days after adoption.

SUBMITTED BY:



Teresa Vargas, City Clerk

1/30/24

Date

ORDINANCE NO. 24-455

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 5, BUSINESS LICENSES AND REGULATIONS, TITLE 8, HEALTH AND SAFETY, TITLE 15, BUILDINGS AND CONSTRUCTION, AND TITLE 17, ZONING (TA-23-139)

WHEREAS, the City of Lathrop Planning Commission held a duly noticed public hearing at a regular meeting on November 15, 2023, at which they adopted PC Resolution No. 23-14 recommending City Council adopt Municipal Code Text Amendment No. TA-23-139 pursuant to the Lathrop Municipal Code, with no recommendation regarding the new Chapter 17.79 related to Hookah Lounges; and

WHEREAS, the City of Lathrop City Council held a duly noticed public hearing at a regular meeting on January 8, 2024 to review and consider Municipal Code Amendment No. TA-23-139; 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 ORDAINED 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", and "8", of the staff report dated January 8, 2024, 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", and "8" 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 8th day of January, 2024, and was PASSED AND ADOPTED at a regular meeting of the City Council of the City of Lathrop on _____,2024, 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 5.04 Business Licenses Generally

[...]

5.04.070 Exemptions.

A. No person shall be exempt from the necessity of procuring a license to do business in the city. License taxes, however, will not be charged for the persons enumerated in the cases listed below.

B. In each of these cases, the persons claiming exemption from license taxes shall first present satisfactory evidence to the finance director that he or she is entitled to such an exemption, which evidence shall include a written statement under oath (certified statement), setting forth such facts and giving such information that the finance director may require; and provided further, that all such persons comply with all other provisions of this chapter.

1. Veterans who are exempt by state law from the payment of a license tax and application fees who meet the following criteria:

- a. The applicant was honorably discharged,
- b. The business license must be solely owned by the veteran (exemption extended to spousal ownership, under community property laws),
- c. The applicant is requesting a license to hawk, peddle or vend any goods, wares or merchandise owned by applicant except for liquor;

2. Those persons who by trade are engaged in interstate commerce, and who are by law exempt from payment of a license tax by virtue of the fact that they are engaged in interstate commerce;

3. Persons transacting and carrying on any business exempt by virtue of the Constitution or applicable statutes of the United States of America or other state from the payment to municipal corporations of such license taxes;

4. ~~Persons conducting dances, concerts, lectures, parties or entertainment where all the receipts are appropriated exclusively to any church or school, or for benefit of any religious, benevolent, patriotic or other public, charitable or beneficial purpose of a local character within the city; Any institution or organization, which is conducted, managed or carried on wholly for the benefit of charitable purposes, or from which profit is not derived either directly or indirectly by any person; nor shall any license be required for the conducting of any entertainment, concert, exhibition or lecture on scientific, musical, historical, literary, patriotic, religious or moral subjects, whenever the receipts of any such entertainment, concert, exhibition or lecture are to be appropriated to any church or school, or to any charitable, religious or benevolent purpose within the city. No license shall be required for the conducting of any entertainment, dance, concert, exhibition or lecture by any religious, charitable, fraternal, educational, military, state, county or~~

municipal organization or association whenever the receipts of any such entertainment, dance, concert, exhibition or lecture are to be appropriated for the purposes and objects for which such association or organization was formed, and from which profit is not derived, either directly or indirectly.

The permit holder or event organizer/host organization has the right to control and regulate the sale of goods, food and beverages within the event.

5. Any person who, by reason of blindness, infirmities of age, or loss of limbs is unable to obtain livelihood by other means than street vending or entertaining or house-to-house selling;

6. Every natural person of the age of seventeen (17) years of age or under whose annual gross receipts from any and all businesses are three thousand dollars (\$3,000.00) or less;

7. Any public utility which pays to the city a tax under a franchise or similar agreement.

C. The city may revoke any exempt license granted pursuant to the provisions of this chapter upon information that the licensee is not entitled to the exemption as provided therein. In such revocation, the procedure to be followed and the right of appeal shall be as provided in this chapter for the determination of a disputed tax. (Ord. 16-363 § 1; Ord. 02-198 § 1; Ord. 94-111; Ord. 90-22)

[...]

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Chapter 8.24 Property Nuisances and Dust Control

[...]

8.24.030 Prohibited nuisances visible from public streets.

It shall be unlawful for any person owning, leasing, renting, occupying or having charge or possession of any residential property in the city to maintain or to allow that property to be maintained in such a manner that any of the following conditions are found to exist thereon for an unreasonable period of time and are visible from the public street, except as may be allowed by any other provision of law including provisions of city ordinances:

- A. The accumulation of dirt, litter or debris;
- B. Clothesline or clothes hanging in front yard;
- C. Boxes, bins, containers, fire wood, lumber, junk, trash, salvage materials or other similar materials;
- D. Attractive nuisances dangerous to children, including abandoned, broken or neglected equipment, machinery, refrigerators and freezers, hazardous pools, ponds, ~~and excavations,~~ and building or structure which has broken or missing windows or doors which constitute a hazardous condition or a potential attraction to trespassers;
- E. Broken or discarded furniture, household equipment and furnishings or shopping carts;
- F. Overgrown vegetation likely to be a fire hazard or to harbor rats, vermin, and other nuisances dangerous to public health, safety and welfare;
- G. Overgrown vegetation obstructing a necessary view of drivers on public streets or private driveways;
- H. Graffiti on the exterior of any building, fence or other structure;
- I. Vehicle parts or other articles of personal property which are abandoned or left in a state of partial construction, or repair;
- J. Mobilehomes, utility trailers, abandoned cars and trucks or their vehicles that are parked or stored in violation of the city's ordinances with respect to zoning or traffic;
- K. Weeds, dead, decayed, diseased or hazardous trees, and other vegetation constituting an unsightly appearance or dangerous to public health, safety, and welfare;

[...]

8.24.050 Unlawful residential and nonresidential property nuisances.

It shall be unlawful for any person owning, leasing, renting, occupying or having charge or possession of any nonresidential property in the city to maintain or to allow to be maintained that property in such a manner that any of the following conditions are found to exist thereon for an unreasonable period of time and are visible from the public street, except as may be allowed by any other provision of law, including provisions of the city ordinance:

- A. The accumulation of dirt, litter or debris;
- B. Boxes, bins, containers, firewood, lumber, junk, trash, salvage materials or other similar materials;
- C. Attractive nuisances dangerous to children, including abandoned, broken or neglected equipment, machinery, refrigerators and freezers, hazardous pools, ponds, ~~and~~ excavations, and building or structure which has broken or missing windows or doors which constitute a hazardous condition or a potential attraction to trespassers;
- D. Broken or discarded furniture, household equipment and furnishings or shopping carts;
- E. Overgrown vegetation likely to present a fire hazard or to harbor rats and/or vermin and other nuisances dangerous to public health, safety and welfare, or obstructing a necessary view of drivers on public streets or private driveways;
- F. Weeds, dead, decayed, diseased or hazardous trees, and other vegetation constituting an unsightly appearance or dangerous to public health, safety and welfare;

[...]

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Chapter 8.26 VACANT AND ABANDONED ~~RESIDENTIAL~~ PROPERTY

8.26.010 Purpose.

It is the purpose and intent to establish a vacant/abandoned property program as a mechanism to protect residential neighborhoods and commercial/industrial properties from becoming blighted through the lack of adequate maintenance and security of vacant/abandoned properties.

8.26.020 Definitions.

“Abandoned” means a property that is not being maintained while vacant or under a current notice of default and/or notice of trustee’s sale, pending tax assessors lien sale and/or properties that have been the subject of a foreclosure sale where the title was retained by the beneficiary of a deed of trust involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale.

“Accessible property” means a property that is accessible through a compromised/breached gate, fence, wall etc.

“Accessible structure” means a structure/building that is unsecured and/or breached in such a way as to allow access to the interior space by unauthorized persons.

“Agreement” means any agreement or written instrument, which provides that title to residential and commercial/industrial properties property, shall be transferred or conveyed from one owner to another owner after the sale, trade, transfer or exchange.

[...]

“Commercial/Industrial property” means any improved real property or portion thereof, situated in the city, designed or permitted to be used for commercial or industrial purposes, and shall include the buildings and structures located on such improved real property. This includes any real property being offered for sale, trade, transfer, or exchange as “commercial or industrial” whether or not it is legally permitted and/or zoned for such use.

“Days” means consecutive calendar days.

“Deed in lieu of foreclosure/sale” means a recorded document that transfers ownership of a property from the trustor to the holder of a deed of trust upon consent of the beneficiary of the deed of trust.

“Deed of trust” means an instrument by which title to real estate is transferred to a third party trustee as security for a real estate loan. Used in California instead of a mortgage. This definition applies to any and all subsequent deeds of trust (i.e.: 2nd trust deed, 3rd trust deed, etc.).

“Default” means the failure to fulfill a contractual obligation, monetary or conditional.

“Distressed” means a property that is under a current notice of default and/or notice of trustee’s sale and/or pending tax assessor’s lien sale or has been foreclosed upon by the trustee or has been conveyed to the beneficiary/trustee via a deed in lieu of foreclosure/sale.

“Evidence of vacancy” means any condition that on its own, or combined with other conditions present would lead a reasonable person to believe that the property is vacant. Such conditions include but are not limited to, overgrown and/or dead vegetation, accumulation of newspapers, circulars, flyers and/or mail, past due utility notices and/or disconnected utilities, accumulation of trash, junk and/or debris, the absence of window coverings such as curtains, blinds and/or shutters, the absence of furnishings and/or personal items consistent with residential habitation and commercial/industrial use, statements by neighbors, passersby, delivery agents, government employees that the property is vacant.

[...]

8.26.060 Maintenance requirements.

Vacant/abandoned properties that have evidence of vacancy shall be subject to the following maintenance requirements and neighborhood standards:

A. Any condition causing the property to constitute a dangerous building shall be immediately remedied.

B. All properties within the city must be kept free of tall weeds, dry brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices (except those required by federal, state or local law), discarded personal items, including, but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned.

C. All properties within the city shall be maintained free of graffiti, tagging or similar markings by removal or painting over with an exterior grade paint that matches the color of the existing exterior of the structure.

D. Visible front and side yards shall be mowed, landscaped and otherwise, to the satisfaction of the community development director or the city manager’s designee. Landscaping includes, but is not limited to, grass, ground covers, trees, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf or sod ~~designed specifically for residential installation~~. Weeds, gravel, broken concrete, asphalt, decomposed granite, plastic sheeting, mulch, indoor-outdoor carpet or any similar materials are not acceptable landscaping. Maintenance of landscaping includes, but is not limited to, regular watering, irrigation, cutting, pruning and mowing of required landscape and removal of all trimmings. Water service must be provided through the water main located at the property. Electrical service may need to be provided for automatic irrigation systems to work properly.

[...]

8.26.070 Security requirements.

Vacant/abandoned ~~residential properties and all other~~ properties within the city shall be secured as follows:

A. All windows, doors (walk-through, sliding and garage), gates and any other opening of such size that it may allow a child to access the interior of the property and or accessible structure(s) shall be secured so as to prevent access by any unauthorized person. In the case of broken windows, securing means the re-glazing or boarding of the window. All boards shall be fitted to the entire opening, secured by screws (no more than six (6) to eight (8) inches apart from each other) and painted to match the exterior of the dwelling.

B. Pools and spas shall be fenced or otherwise secured to prevent access or use by any unauthorized person.

[...]

8.26.090 Additional authority.

The community development director or the city manager’s designee shall have the authority to require the beneficiary/trustee/owner and/or owner of record of any vacant/abandoned ~~residential~~ property to implement additional maintenance and/or security measures, including, but not limited to: securing any/all door, window or other openings, installing additional security lighting, increasing on-site inspection frequency, employment of an on-site security guard or other measures as may be reasonably required to arrest the decline of the property and prevent the ongoing condition(s) of an attractive nuisance. In addition, nothing in this chapter shall prevent the application of provisions of the Lathrop Municipal Code, including, but not limited to, Chapter 1.12, for the abatement of nuisances by the city at the expense of the owner, trustee, or beneficiary.

[...]

8.26.120 Violation—Penalty.

Violations of this chapter shall be treated as a strict liability offense regardless of intent. Any person, firm and/or corporation that violates any portion of this chapter shall be subject to prosecution and/or administrative enforcement under Chapter 1.12. ~~Fees shall be issued for non-compliance along with fines of either one hundred dollars (\$100.00), two hundred fifty dollars (\$250.00) or five hundred dollars (\$500.00) as set forth in Chapter 1.12. Civil penalties may also be assessed to the property on a daily basis for up to one thousand dollars (\$1,000.00) per violation a day, but no more than a total of one hundred thousand dollars (\$100,000) a year per parcel.~~

[...]

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Chapter 15.56 Floodplain Management

[...]

15.56.240 Designation of floodplain administrator.

The city engineer~~community development director~~ or the city manager's designee is appointed to administer, implement and enforce this chapter by granting or denying development permits in accord with its provisions. (Ord. 10-298 § 1; Ord. 98-158)

[...]

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Chapter 17.48 I Industrial District

[..]

17.48.020 IL: limited industrial district.

A. **Application.** This district is intended primarily for application to those areas of the city which are designated for light industrial use by the general plan.

B. **Permitted Uses.**

1. Any use listed as a permitted use in the CS, service commercial district;

2. Light industrial and related uses, including:

a. Assembly of small electric appliances, such as lighting fixtures, irons, fans, toasters and electric toys, refrigerators, washing machines, dryers, dishwashers and similar home appliances,

b. Assembly of small electrical equipment, such as home motion picture equipment, stereos, video cameras and radio and television receivers, but not including electrical machinery,

c. Manufacture of scientific, medical, dental and drafting instruments, orthopedic and medical appliances, cameras and photographic equipment, except film, electronic equipment, musical instruments, precision instruments, optical goods, watches and clocks,

d. Manufacture of ceramic products, such as pottery, figurines and small glazed tile,

e. Manufacturing, assembling, compounding, packaging and processing of cosmetics, drugs, pharmaceuticals, toilet soap (not including refining or rendering of fats or oils) and toiletries,

f. Manufacture and assembly of electrical supplies, such as coils, condensers, crystal holders, insulation, lamps, switches and wire and cable assembly, provided no noxious or offensive fumes or odors are produced,

g. Manufacture of cutlery, hardware, hand tools and furniture, dye and pattern making, metal stamping and extrusion of small products, such as costume jewelry, pins and needles, razor blades, bottle caps, buttons and kitchen utensils,

h. Manufacturing, assembling, compounding, packaging and processing of articles or merchandise from the following previously prepared materials: bone, canvas, cellophane, cellulose, cloth, cork, feathers, felt, fiber and synthetic fiber, fur, glass, hair, horn, leather, paint (not employing a boiling process), paper, plastics, precious or semi-precious metals or stones, rubber and synthetic rubber, shell, straw, textiles, tobacco and wood,

i. Manufacturing, assembling, compounding, processing, packaging or treatment of such products as bakery goods, candy, dairy products, food products, including fruits and vegetables, but not including fish and meat products, pickles, sauerkraut, vinegar or yeast, or refining or rendering of fats and oils,

j. Blacksmith shops, boat building, electric motor rebuilding, machine shops and paint shops,

k. Food lockers and accessory sales,

l. Gasoline service stations, including dispensing of diesel and liquid petroleum gas fuels and complete truck service,

m. Lumber yards, including planing mills; mattress manufacture; storage yards for commercial vehicles or feed; flour, feed and grain mills; grain elevators,

n. Manufacture and maintenance of electric and neon signs, billboards and commercial advertising structures,

o. Offices, retail stores and watchpersons' living quarters incidental to and on the same site with an industrial use,

p. Warehouse and distribution

qp. Public utility and public service structures and facilities, such as communications equipment buildings, electric distribution substations, electric transmission substations, gas regulator stations, pumping stations, public utility service yards, corporation yards, railroad rights-of-way and stations, reservoirs and storage tanks,

rq. Incidental and accessory structures and uses located on the same site as a permitted use,

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

[...]

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Chapter 17.62 Central Lathrop Zoning Districts

Article 11. Residential Development Standards

Table 17.62.110(A) Central Lathrop Specific Plan: Residential Site Development Standards for Conventional Plotted Units

Standard ¹⁴¹³	Single Family Detached (SFD)		
	SFD Large Lot (5000 sq. ft. or larger)	SFD Medium Lot (4000-5000 sq. ft.)	SFD Small Lot (up to 4000 sq. ft.)
Front Yard Setback ^{4, 5, 1213}			
Living Area	15	12	10
Porch/Side-on Garage ³	12	10	8
Side Yard Setback ^{4, 5}			
Interior Side	5	5	0/5 ¹¹¹⁰
Street Side	10	10	10
Rear-Yard Setback ^{4, 5, 7}			
Living Area	15 min./20 avg.	12 min./15 avg.	5 min./10 avg.
Garage Setback ^{4, 1112, 1213}			
Street-Primary	20	20	20
Street-Secondary	3-5 or 20+	3-5 or 20+	3-5 or 20+
Lot Size			
Minimum Width	45	40	32
Minimum Depth	85	75	60
Lot Coverage (%) ²	50% /60%	50% /60%	65% /na
MUPYS (sq. ft.) ¹	400	300	180
Building Height (ft.)	40	40	40
Minimum Frontage ⁸			
Lots 45' wide or greater	35	35	35
Lots less than 45' wide	30	30	30
Parking			
On-Street Parking	1 Space per Unit	1 Space per Unit	1 Space per Unit
Covered Parking ^{9,10}	2 Spaces per Unit	2 Spaces per Unit	2 Spaces per Unit

All dimensions are in feet unless otherwise noted

na=not applicable

avg=average per lot

Notes to Table 17.62.110(A)

- 1 MUPYS = Minimum Usable Private Yard Space. Ten (10') foot minimum dimension required.
- 2 Lot coverage percentage = multi-story/single story.
- 3 Side-on garage only on lots greater than 55'. A minimum 30' between the garage door and the side property line is required to accommodate back-up space.
- 4 Setbacks measured from property line.
- 5 Items such as, but not limited to, air conditioning condensers, porches, chimneys, bay windows, media centers, etc. may encroach 2' into the required setback provided a minimum of 36" flat and level area is maintained for access around the house.
- 6 Curbside parking may be counted toward required number of guest spaces. Tandem garages may be used to accommodate required parking stalls if not used towards fulfilling the minimum 2 required parking stalls. The CLDRB may consider and approve the use of tandem garages to meet parking standards if requested by a builder or developer, and approved by the community development director or the city manager's designee.
- 7 At cul-de-sac bulbs and knuckles where lot depths are less than the standard depth, minimum rear yard setback requirements may be reduced by an amount equal to the standard depth minus the actual depth of the lot (i.e., 100' - 90' = 10'). In no case will the rear yard setback be reduced to less than 10'.
- 8 Minimum frontage allows lots to be placed more efficiently around curves such as cul-de-sac bulbs and knuckles.
- ~~9 For any dwellings with 5 or more bedrooms, 3 covered parking spaces are required.~~
- ~~910~~ Two spaces for 2+ bedroom units, 1 space for 1 bedroom or less units.
- ~~1011~~ Zero lot line products are permitted if building separation is 10' minimum.
- ~~1112~~ Primary elevations contain more than 2 feature windows per floor. All other elevations are considered secondary walls (no more than 2 individual unit entries may occur on a secondary elevation).
- ~~1213~~ If 2nd story living is stacked on top of garage, minimum setback to drive aisle may be a minimum of 3' so long as there is 30' clear across the drive aisle to any obstruction.
- ~~1314~~ The development standard (large, medium, or small) applicable to a neighborhood is based on the nominal lot size as determined during the architectural design review process per Section 17.62.142 of this code. (Ord. 21-418 § 13; Ord. 10-298 § 1)

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Chapter 17.76 Off-Street Parking and Loading

[...]

17.76.020 Off-street parking facilities required.

[...]

I. Joint Uses. The community development director~~building official~~ may, upon written application by the owner or lessee of any property, authorize the joint use of parking facilities by the following uses and activities, and under the conditions specified herein:

1. Seventy-five percent (75%) of the parking facilities required for a use considered to be primarily a daytime use may be provided by the parking facilities of a use considered to be primarily a nighttime use, or the reciprocal.

2. The following uses are typical daytime uses: banks, business offices, retail stores, personal services, manufacturing or wholesale uses and similar uses. The following uses are typical nighttime uses: dance halls, theaters, bars, auditoriums and restaurants that only serve dinners.

3. The following are conditions required for joint use:

a. The building or use for which application is made for authority to utilize the existing off-street parking facilities provided by another building or use shall be located within two hundred (200) feet from such parking facility.

b. The applicant shall show that there is no substantial conflict in the principal operating hours of the building or uses for which the joint use of off-street parking facilities is proposed.

c. If the building, structure or improvement requiring parking space is in one ownership and the required parking space provided is in another ownership, partially or wholly, there shall be a recording in the office of the county recorder of a covenant by such owners for the benefit of the city, in a form approved by the city, that such owner or owners will continue to maintain such parking space so long as the building structure or improvement is maintained by the owner within the city. The covenant herein required shall stipulate that the title to and right to use the parcel or parcels upon which the parking space is to be provided will be subservient to the title to the premises upon which the buildings to be erected and that the parcel or parcels are not, and will not be made subject to any other covenant or contract for use without prior written consent of the city.

[...]

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