



# CITY OF LODI

# COUNCIL COMMUNICATION

**AGENDA TITLE:** Adoption of Ordinance No. 1575 entitled, "An Ordinance of the City Council of the City of Lodi Adding Chapter 17.74 To The Lodi Municipal Code Relating to Administrative Deviations"

**MEETING DATE:** May 19, 1993

**PREPARED BY:** City Clerk

**RECOMMENDED ACTION:** Following reading by title, it would be appropriate for the City Council to adopt Ordinance No. 1575.

**BACKGROUND INFORMATION:** Ordinance No. 1575 entitled, "An Ordinance of the City Council of the City of Lodi Adding Chapter 17.74 To The Lodi Municipal Code Relating to Administrative Deviations" was introduced at the regular meeting of the Lodi City Council held May 5, 1993.

Pursuant to State statute, ordinances may be adopted five days after their introduction following reading by title.

This Ordinance has been approved as to form by the City Attorney.

**FUNDING:** None required.

*Jennifer M. Perrin*  
Jennifer M. Perrin  
City Clerk

JMP

COUNCOM1/TXTA.02J/COUNCOM

APPROVED: \_\_\_\_\_

THOMAS A. PETERSON  
City Manager



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ORDINANCE NO. 1575

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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI  
ADDING CHAPTER 17.74 TO THE LODI MUNICIPAL CODE  
RELATING TO ADMINISTRATIVE DEVIATIONS

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

SECTION 1. Lodi Municipal Code Title 17 is hereby amended by adding a new Chapter 17.74 as follows:

CHAPTER 17.74. ADMINISTRATIVE DEVIATIONS

Section 17.74.010. INTENT.

It is the intent of this Chapter to establish minor administrative exceptions to the regulations of this (Title?), which may be used to insure that property, because of special circumstances, such as size, shape, topography, location or surroundings, shall be accorded privileges commonly enjoyed by the other properties in the same zone in the vicinity.

Section 17.74.020 PERMITTED ZONE AND PERMITTED MODIFICATIONS.

Applications for Deviations may be accepted in all zones, unless otherwise specified. Applications for Deviations may be considered for the following modifications only:

- (a) Off-street parking requirements:
  - (1) Parking improvements;
  - (2) Up to thirty percent (30%) of parking and loading space requirements, but not exceeding two (2) spaces;

- (b) Setback requirements:
  - (1) Up to forty percent (40%) of the front yard setback requirement, but not closer to the property line than fifteen (15) feet;
  - (2) Up to forty percent (40%) of the side yard setback requirement, but no closer to the property line than three (3) feet;
  - (3) Up to thirty percent (30%) of the rear yard setback requirement, but no closer to the property line than five (5) feet;
  
- (c) Area and width requirements:
  - (1) Up to fifteen percent (15%) of the area requirements, excluding lot area requirements;
  - (2) Up to ten percent (10%) of the lot area or lot width requirements;
  
- (d) Height requirements:
  - (1) Up to thirty percent (30%) of height requirements, but not to exceed five (5) feet.
  
- (e) Landscaping requirements.

Section 17.74.030      REQUIREMENTS FOR APPLICATION.

A request for a Deviation shall include a site plan which clearly delineates the location and extent of the regulation to be modified by the Director.

Section 17.74.040      REVIEW PROCEDURES.

The review procedure for Deviation applications shall be Staff Review with Notification.

Section 17.74.050      REVIEWING AUTHORITY.

The Community Development Director or designee shall be the reviewing authority under this ordinance. All decisions shall be based on consideration of all relevant information received and shall include written findings granting or denying the application.

Section 17.74.060      FINDINGS.

Prior to approving an application for a Deviation, the review authority shall find that all of the following are true:

- (a) The granting of the Deviation will not be materially detrimental to other properties or land uses in the area;
- (b) There are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended uses that do not apply to other properties in the same zoning district in the vicinity;
- (c) The strict application of the regulation deprives the property of privileges enjoyed by other properties in the vicinity;
- (d) The granting of the Deviation is consistent with the General Plan.

Section 17.74.6

All decisions of the reviewing authority, including the applicability of this Chapter, shall be subject to appeal to the Planning Commission, by written request, within ten (10) days after the action. Thereafter, the appeal process shall be as specified in Section 17.72.110 of this Code.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this 19th day of May 1993



PHILLIP A. PENNINO  
Mayor

Attest:

  
JENNIFER M. PERRIN  
City Clerk

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State of California  
County of San Joaquin, ss.

I, Jennifer Perrin, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1575 was introduced at a regular meeting of the City Council of the City of Lodi held May 5, 1993 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held May 19, 1993 by the following vote:

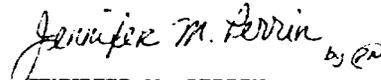
Ayes: Council Members - Davenport, Mann, Sieglock,  
Snider, and Pennino (Mayor)

Noes: Council Members - None

Absent: Council Members - None

Abstain: Council Members - None

I further certify that Ordinance No. 1575 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

  
JENNIFER M. PERRIN  
City Clerk

Approved as to Form

  
BOBBY W. McNATT  
City Attorney

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