



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Introduce Ordinance Adding an Exemption for an Expansion of Existing Non-conforming Uses Within the Mixed Use Corridor Zone

MEETING DATE: March 19, 2014

PREPARED BY: Community Development Department

RECOMMENDED ACTION: Introduce Ordinance adding an exemption for an expansion of existing non-conforming uses within the Mixed Use Corridor zone.

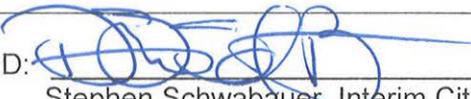
BACKGROUND INFORMATION: With the adoption of the Lodi General Plan in April 2010 and subsequent adoption of an updated Development Code and Zoning Map in March 2013, approximately 137 parcels were rezoned from the Industrial (M-2) to the Mixed Use Corridor (MCO) zoning designation. These parcels occur within two primary areas; north of Locust Street along the railroad tracks and North Sacramento Street, and south of Lodi Avenue along the railroad tracks and South Sacramento Street. See Attachment A.

The Mixed Use Corridor allows for a variety of uses including recreation/education/assembly uses, residential uses, retail trade, business/financial/professional uses, and other commercial services. Industrial uses are not allowed within the Mixed Use Corridor. Existing Industrial uses and structures are now legal non-conforming uses within the Mixed Use Corridor.

The Mixed Use Corridor was developed to provide a transition zone allowing a variety of mixed uses that blend into the surrounding properties. Along North and South Sacramento Streets, the use transition is from industrial to residential uses. Current land uses along these areas include industrial, commercial and residential uses. See Attachment B.

After implementing the new development code for the past year, staff has recognized that numerous industrial properties have become legal non-conforming uses. Several of these properties with modified zoning designations have a historic industrial use and will likely continue that use beyond the lifespan of this General Plan and development code. Several industrial users within these areas have identified a need to expand facilities and uses.

Staff is recommending the addition of a non-conforming exception to section 17.68.020, allowing existing industrial uses to expand use and structures within the Mixed Use Corridor. This section would only allow pre-existing users and structures to expand (Prior to March 2013). No new users or facilities would be allowed. A review of the existing land uses has identified limited vacant properties and new industrial development potential. However, the current ordinance as crafted, existing users would be able to expand into vacant land they currently own. Adding the

APPROVED: 
Stephen Schwabauer, Interim City Manager

non-conforming exemption will allow existing industrial uses to expand as necessary while the Mixed Use Corridor intent to transition to mixed uses will gradually take place. See Attachment C.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.



Stephen Schwabauer
Interim Community Development Director

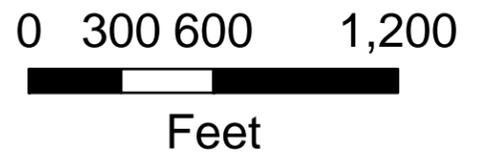


PARCELS CHANGED FROM M2 ZONING TO MCO ATTACHMENT A



LEGEND

 Changed from M2 - MCO





PARCELS CHANGED FROM M2 ZONING TO MCO ATTACHMENT B



LEGEND

CURRENT LAND USE

- COMMERCIAL
- INDUSTRIAL
- MIXED USE
- RESIDENTIAL
- UTILITY
- VACANT



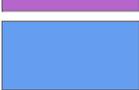


PARCELS CHANGED FROM M2 ZONING TO MCO ATTACHMENT C



LEGEND

CURRENT LAND USE

-  INDUSTRIAL
-  VACANT



ORDINANCE NO. _____

AN ORDINANCE OF THE LODI CITY COUNCIL AMENDING
LODI MUNICIPAL CODE SECTION 17.68.20 "RESTRICTIONS
ON NONCONFORMING USES AND STRUCTURES" BY
ADDING PARAGRAPH A-6 ALLOWING EXISTING
INDUSTRIAL USES TO EXPAND USE AND STRUCTURES
WITHIN THE MIXED USE CORRIDOR.

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NOW, THEREFORE, the City Council of the City of Lodi does ordain as follows:

Section 1. Lodi Municipal Code Chapter 17.68.20, "Restrictions on Nonconforming Uses and Structures" is hereby amended by adding paragraph A-6 as follows:

- A.
6. Existing Industrial uses and structures within the Mixed Use Corridor, as of March 1, 2013, shall be allowed to expand on property currently owned by the user.

Section 2. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 5. This ordinance shall be published one time in the "Lodi News Sentinel," a newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect May 2, 2014, which date is at least 30 days after the passage of this ordinance.

Approved this _____ day of March, 2014

PHIL KATZAKIAN
Mayor

Attest:

RANDI JOHL-OLSON
City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl-Olson, City Clerk of the City of Lodi, do hereby certify that Ordinance No. ____ was introduced at a regular meeting of the City Council of the City of Lodi held March 19, 2014, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held _____, 2014, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

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

RANDI JOHL-OLSON
City Clerk

Approved as to Form:
Lodi City Attorney's Office

By: _____
JANICE D. MAGDICH
Interim City Attorney



Request for City Council to introduce Ordinance adding an exemption for an expansion of existing non-conforming uses within the Mixed Use Corridor zone.

March 19, 2014

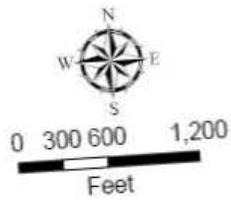


PARCELS CHANGED FROM M2 ZONING TO MCO ATTACHMENT A



LEGEND

 Changed from M2 - MCO





PARCELS CHANGED FROM M2 ZONING TO MCO ATTACHMENT B





PARCELS CHANGED FROM M2 ZONING TO MCO ATTACHMENT C



LEGEND

CURRENT LAND USE

- INDUSTRIAL (purple square)
- VACANT (blue square)



0 200 400 800 Feet



Additional Exemption

- **Existing Industrial uses and structures within the Mixed Use Corridor, as of March 1, 2013, shall be allowed to expand on property currently owned by the user.**