



**CITY OF LODI
COUNCIL COMMUNICATION**

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AGENDA TITLE: Ordinance No. 1893 Entitled, "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"

MEETING DATE: April 2, 2014

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1893.

BACKGROUND INFORMATION: Ordinance No. 1893 entitled, "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," was introduced at the regular City Council meeting of March 19, 2014.

ADOPTION: With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov't Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov't Code § 36937.**
This ordinance has been approved as to form by the City Attorney.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.



Randi Johl-Olson
City Clerk

RJO/jmr
Attachment

APPROVED: 

Steve Schwabauer, Interim City Manager

ORDINANCE NO. 1893

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 2nd day of April, 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. 1893 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 April 2, 2014, by the following vote:

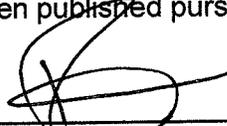
AYES: COUNCIL MEMBERS – Hansen, Johnson, Mounce, Nakanishi,
and Mayor Katzakian

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

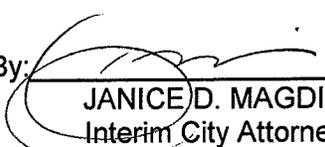
ABSTAIN: COUNCIL MEMBERS – None

I further certify that Ordinance No. 1893 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