

ORDINANCE NO. 1526

AN URGENCY ORDINANCE OF THE LODI CITY COUNCIL
AMENDING LODI MUNICIPAL CODE CHAPTER 15.64 -
"DEVELOPMENT IMPACT MITIGATION FEES"

=====

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Lodi Municipal Code Chapter 15.64 is hereby amended by adding a new subsection G to Section 15.64.010 as follows:

15.64.010 Findings and Purpose.

"G. The City has previously approved various development projects which have made significant financial expenditures towards completion, including the payment of the then current development impact mitigation fees; but have not obtained a building permit. The City Council finds and declares that such projects should be allowed to proceed without the imposition of new development impact mitigation fees imposed under this chapter."

SECTION 2. Lodi Municipal Code Section 15.64.040(D) is hereby amended to read as follows:

"If a final subdivision map has been obtained before the effective date of this ordinance, then the fees shall be paid before issuance of a building permit or grading permit, whichever comes first, except as exempted under Section 15.64.110 of this chapter."

SECTION 3. Lodi Municipal Code Chapter 15.64 is hereby amended by adding a new subsection **E** to Section 15.64.110 as follows:

15.64.110 Fee Exemptions.

"**E.** Additional exemption for development projects in progress:

1. A project on a parcel (or portion of a parcel) which has, on the effective date this ordinance, received the appropriate development approval, but has not obtained a building permit and has paid appropriate mitigation fees under Resolution 3618 or Ordinance 1440, shall be exempt from imposition of the development impact mitigation fees imposed under this chapter except the Sewer Lift Station area fees.

2. For purposes of this subsection, "appropriate development approval" shall include:

- an approved or conditionally approved tentative map;
- an approved final subdivision or parcel map;
- an approved use permit when no map was required;
- an approved public improvement agreement.

3. The exemption under this subsection shall not apply to changes in land use, pursuant to subsection (D) for Storm Drainage Impact Fees.

4. The exemption under this subsection shall apply on projects which include a change in land use to a more intensive use as

defined in this chapter only to the extent that the previously approved land use shall be considered an existing use and the project shall be charged the appropriate incremental increase as provided in this chapter and the fee resolution.

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

SECTION 5. Findings.

The Lodi City Council hereby finds and declares that **it** is appropriate to adopt this ordinance as an urgency measure in order to protect the public health, safety or welfare. This finding is based on the following facts:

1. Ordinance 1518 which this ordinance amends is scheduled to become effective on November 5, 1991.
2. If this ordinance is not adopted as an urgency ordinance, project applications filed between November 5, 1991 and the effective date of this ordinance would pay one set of fees and those filed afterwards another amount.
3. This situation would materially interfere with the City's ability to plan, construct and pay for the public improvements described in this chapter.

SECTION 6. The public health, safety or welfare require that this ordinance be adopted as an urgency measure.

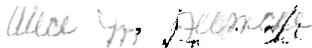
SECTION 7. This urgency ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect on November 5, 1991.

Approved this 16th day of October 1991



DAVID M. HINCHMAN
MAYOR

Attest:



ALICE M. REIMCHE
City Clerk

State of California
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1526 was adopted as an urgency ordinance at a regular meeting of the City Council of the City of Lodi held October 16, 1991 and was thereafter passed, adopted and ordered to print by the following vote:

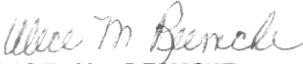
Ayes: Council Members - Pennino, Pinkerton, Sieglock, and Hinchman (Mayor)

Noes: Council Members - None

Absent: Council Members - None

Abstain: Council Members - Snider

I further certify that Ordinance No. 1526 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.


ALICE M. REIMCHE
City Clerk

Approved as to Form



BOBBY W. McNATT
City Attorney

ORD1526/TXTA.02J