



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing to consider the Planning Commission's recommendation to adopt additions to Section 17.57 of the Zoning Ordinance of the Lodi Municipal Code.

MEETING DATE: May 21, 1997

PREPARED BY: Community Development Director

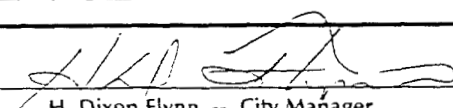
RECOMMENDED ACTION: That the City Council approve the Planning Commission's recommendation to adopt the additions to Section 17.57 - General Regulations and Exceptions, of the Zoning Ordinance of the Lodi Municipal Code, relating to the enclosed building requirements, refuse container storage and collection areas, and the parking of commercial vehicles in residential districts.

BACKGROUND INFORMATION: The Community Improvement Division is proposing these amendments and additions to the Zoning Ordinance of the Lodi Municipal Code to address concerns regarding specific conditions found on both commercial and residential properties that contribute a blighted, deleterious effect on the overall appearance of neighborhoods throughout the City of Lodi.

The addition of Section 17.57.170, will place the requirement that all uses permitted in any commercial or industrial district, with the exception of vehicle sales lots, service stations, parking lots, small recycling facilities, and businesses that typically require outdoor storage or activities, be conducted wholly within an enclosed building. This section will regulate the operation of businesses that, because of the nature of their business operation, may present an unattractive, displeasing, or detrimental affect on a property or the surrounding vicinity. This ordinance will not apply to existing businesses or uses.

The addition of Section 17.57.180, will place specific regulations on the placement and storage of garbage, refuse, and recycling containers on residential and commercial properties. In the past year, there have been numerous complaints regarding the unsightliness of garbage containers that are constantly left at the curb and dumpster bins and enclosures that are improperly maintained. The proposed regulation will prohibit the storage of roll-away and portable garbage, refuse and recycling containers within the front yard setback area and in view from the public right-of-way, excluding alleyways, except for a specific time period prior to and after garbage pick up by the refuse collection contractor. Furthermore, it will be required that all dumpster bins be screened from public view in an approved manner and be maintained in a sanitary condition. The proposed regulations will also have limited exceptions for the placement of rented dumpster bins in public view for the duration of special projects, remodeling or construction projects, or for special events, but will still require that they be maintained in a sanitary condition.

APPROVED: _____

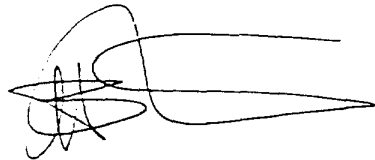

H. Dixon Flynn -- City Manager

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The addition of Section 17.57.190, will place a restriction on the parking of vehicles which are strictly commercial in nature, such as tow trucks, ambulances, mini-buses, semi tractor rigs, large delivery and/or service trucks, or similar vehicles, which have a gross load capacity greater than one (1) ton, on private property within residential districts, thereby detracting from the residential atmosphere of a neighborhood. Normal passenger vehicles, vans and trucks which happen to display a business name, logo or other business advertising are not subject to this regulation.

The Planning Commission held a public hearing on this matter at their February 24, 1997 meeting. Following the hearing, the Commission voted unanimously to recommend approval of these amendments to the City Council. A portion of Section 17.57.170, that provided a two-year amortization period in order to apply the enclosed building requirement on existing buildings, which was passed by the Planning Commission, has been omitted after further discussions with the City Attorney's office.

FUNDING: None Required

A handwritten signature in black ink, appearing to read 'KB', with a long horizontal line extending to the right.

Konradt Bartlam
Community Development Director

Prepared by Joseph Wood, Community Improvement Manager

KB/JW/jw

Attachment

cc: City Attorney
Eastside Improvement Committee

EXHIBIT "A"

17.57.170 Enclosed Building Requirement.

Stores, shops or businesses permitted in any commercial or industrial district shall be conducted wholly within an enclosed building unless the specific use and zone permit otherwise. Vehicle sales lots, service stations, parking lots, small recycling collection facilities and those businesses that typically require outdoor storage or activities will be exempt from this requirement.

17.57.180 Refuse Container Storage and Collection Areas

The following regulations shall apply to the garbage, refuse and recycling facilities on residential and commercial properties. Placement of such facilities within the public right-of-way is governed by Chapter 12.04 of this code.

A. Roll-away and Portable Containers. All roll-away and other portable containers must be kept out-of-view from the public right-of-ways, excluding alleys, and may not be stored within the front yard setback.

B. Dumpster Bins. All dumpster bin storage and refuse collection areas shall be screened from public view by a concrete block or masonry wall or in such a manner so that it is not visible from abutting public right-of-ways, excluding alleys. All storage and collection areas and enclosures shall be maintained in a sanitary condition and walls, roof coverings and doors to enclosures must be maintained in good condition and must be in working order.

C. Exceptions. The following exceptions pertain to both commercial and residential garbage, refuse and recycling facilities.

1. Garbage, refuse and recycling storage containers can be placed out for collection, from 5:00 pm the day before garbage collection to 8:00 pm the day of garbage collection, in accordance with the requirements of the garbage collector.

2. Rented containers and dumpster bins can be placed in public view on private property for the duration of the special project, remodeling or construction project, or special event for which they are being used, but must be maintained in a sanitary condition and removed when filled to prevent overflow and blight.

17.57.190 Commercial Vehicles Parking in Residential Districts.

Vehicles which are strictly commercial in nature, such as tow trucks, ambulances, mini-buses, semi-tractor rigs, large delivery and/or service trucks, or similar vehicles, which have a gross load capacity greater than one (1) ton shall not be allowed to park on private property in residential zones except for the immediate loading or unloading of goods or people.

ORDINANCE NO. 1648

AN ORDINANCE OF THE LODI CITY COUNCIL
AMENDING LODI MUNICIPAL CODE TITLE 17 - ZONING, CHAPTER 17.57,
THEREBY ADDING SECTIONS 17.57.170, 17.57.180 AND 17.57.190
RELATING TO GENERAL REGULATIONS AND EXCEPTIONS

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BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

Section 1. Chapter 17.57 - General Regulations and Exceptions - is hereby amended by adding thereto three new sections to read as follows:

17.57.170 Enclosed Building Requirement.

Stores, shops or businesses permitted in any commercial or industrial district shall be conducted wholly within an enclosed building unless the specific use and zone permit otherwise. Vehicle sales lots, service stations, parking lots, small recycling collection facilities and those businesses that typically require outdoor storage or activities will be exempt from this requirement. Permitted businesses in existence on the effective date of this ordinance shall have two (2) years in which to comply with the requirements of this section. Any such business which has not been brought into compliance within two (2) years will be in violation of this ordinance.

17.57.180 Refuse Container Storage and Collection Areas.

The following regulations shall apply to the garbage, refuse and recycling facilities on residential and commercial properties. Placement of such facilities within the public right-of-way is governed by Chapter 12.04 of this code.

- A. Roll-away and Portable Containers. All roll-away and other portable containers must be kept out-of-view from the public right-of-ways, excluding alleys, and may not be stored within the front yard setback.
- B. Dumpster Bins. All dumpster bin storage and refuse collection areas shall be screened from public view by a concrete block or masonry wall or in such a manner so that it is not visible from abutting public right-of-ways, excluding alleys. All storage and collection areas and enclosures shall be maintained in a sanitary condition and walls, roof coverings and doors to enclosures must be maintained in good condition and must be in working order.

- C. Exceptions. The following exceptions pertain to both commercial and residential garbage, refuse and recycling facilities:
1. Garbage, refuse and recycling storage containers can be placed out for collection, from 5:00 p.m. the day before garbage collection to 8:00 p.m. the day of garbage collection, in accordance with the requirements of the garbage collector.
 2. Rented containers and dumpster bins can be placed in public view on private property for the duration of the special project, remodeling or construction project, or special event for which they are being used, but must be maintained in a sanitary condition and removed when filled to prevent overflow and blight.

17.57.190 Commercial Vehicles Parking in Residential Districts.

Vehicles which are strictly commercial in nature, such as tow trucks, ambulances, mini-buses, large delivery and/or service trucks, or similar vehicles, which have a gross load capacity greater than one (1) ton shall not be allowed to park on private property in residential zones except for the immediate loading or unloading of goods or people.

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 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 ____ day of _____, 1997

PHILLIP A. PENNINO
Mayor

Attest:

JENNIFER M. PERRIN
City Clerk

State of California
County of San Joaquin, ss.

I, Jennifer M. Perrin, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1648 was introduced at a regular meeting of the City Council of the City of Lodi held May 21, 1997 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held _____, 1997 by the following vote:

Ayes: Council Members -
Noes: Council Members -
Absent: Council Members -
Abstain: Council Members -

I further certify that Ordinance No. 1648 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:

RANDALL A. HAYS
City Attorney



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: May 21, 1997

Time: 7:00 p.m.

For information regarding this notice please contact:

Jennifer M. Perrin

City Clerk

Telephone: (209) 333-6702

NOTICE OF CONTINUED PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, May 21, 1997** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing to consider the following matter:

- a) to consider Planning Commission's recommendation to adopt additions to Section 17.57 of the Zoning Ordinance of the Lodi Municipal Code

Information regarding this item may be obtained in the office of the Community Development Director at 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

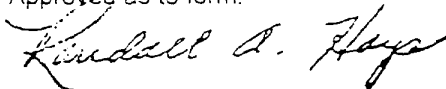
If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:


Jennifer M. Perrin
City Clerk

Dated: April 16, 1997

Approved as to form:



Randall A. Hays
City Attorney



DECLARATION OF MAILING

Public Hearing: Zoning Ordinance

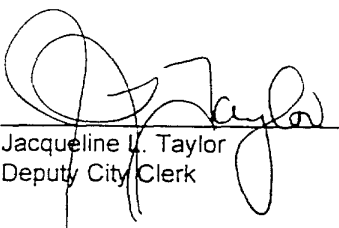
On April 17, 1997 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown below.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 17, 1997, at Lodi, California.

Jennifer M. Perrin
City Clerk



Jacqueline U. Taylor
Deputy City Clerk

Linda S. Nichols
Administrative Clerk

MAILING LIST:

EAST SIDE IMPROVEMENT COMMITTEE
P.O. BOX 2444
LODI, CA 95241