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**To:** Lodi Plan Commission  
**From:** Stephen Tremlett, AICP, Zoning Administrator  
**Subject:** Amendment to Chapter 340-32 C-2 Central Business District Core  
**Date:** April 6<sup>th</sup>, 2022

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### **Request**

Approval of an amendment to Chapter 340-32 C-2 Central Business District Core to change Churches from a conditional use to a permitted use.

### **Background Information**

In 2000, the U.S. Congress passed a law (Religious Land Use and Institutionalized Persons Act (RLUIPA) to prevent religious assemblies and other tax-exempt organizations from being treated differently from other public assemblies and taxable organizations in local zoning regulations. If assemblies of persons are permitted by right in a particular zoning district, but churches are not, it would be a violation of RLUIPA.

Section 340-32 of the City of Lodi Zoning Ordinance allows civic uses, clubs and associations, parks, schools, and other such assemblies of persons by right. However, churches are currently a conditional use. Grace Valley Church (120 Portage St) and Zion Lutheran Church (216 S Main) currently operate in the zoning district. This amendment would bring both churches into compliance by right.

Parking will not be affected. Per the current ordinance, no business is required to provide off-street parking.

### **Applicable Zoning & Development Code Regulations**

- Chapter 340-32 C-2 Central Business District Core

### **Recommendation**

Recommend Common Council approval of the amendment. This is a minor but necessary change to bring the ordinance in compliance with federal law.

Sincerely,  
MSA Professional Services, Inc.



Stephen Tremlett, AICP  
Zoning Administrator

*Enc: C-2 Central Business District Core Proposed Update*

Changes indicated in *red*.

**§ 340-32 C-2 Central Business District Core.**

A. Intent. The intent of the C-2 Central Business District Core is to provide a district that encourages and fosters the further development of the downtown business district core area. The district requirements recognize the unique characteristics of the downtown business district that differ from other commercial districts in the City. The intent of the requirements is to retain the existing "Main Street" characteristics of the core blocks on Main Street.

B. Permitted uses:

- (1) Automotive sales.
- (2) Automotive service and repair.
- (3) Business services.
- (4) Civic uses.
- (5) Churches.
- (6) Clubs and associations.
- (7) Convenience stores.
- (8) Day-care centers.
- (9) Essential service structures.
- (10) Parking.
- (11) Parks.
- (12) Personal services.
- (13) Professional offices.
- (14) Repair shops.
- (15) Residential uses above street level.
- (16) Restaurants.
- (17) Retail trade.
- (18) Schools: SIC 7911, dance studios, schools and halls.  
[Amended 9-17-2013 by Ord. No. A-461]
- (19) Artisan retreat facility.  
[Added 9-17-2013 by Ord. No. A-460]

C. Conditional uses:

- (1) Amusement and recreation services.
- (2) Bed-and-breakfasts and tourist homes.
- (3) Boardinghouses.
- (4) Building supply stores.
- ~~(5) Churches.~~
- (5) Family day care.
- (6) Funeral homes and mortuaries.
- (7) Garden supply stores.
- (8) Gas stations.  
[Added 10-20-2020 by Ord. No. S-137[1]]  
[1] Editor's Note: This ordinance also redesignated former Subsection C(9) through (13) as Subsection C(10) through (14).
- (9) Guest homes.  
[Amended 10-10-2006 by Ord. No. A-361]
- (10) Lodging establishments.
- (11) Utility facilities.
- (12) Wireless communication facilities, including towers.  
[Added 10-10-2006 by Ord. No. A-361]
- (13) Unenclosed smoking area.  
[Added 9-6-2011 by Ord. No. A-422]