
To: Lodi Plan Commission
From: Stephen Tremlett, AICP, Zoning Administrator
Subject: Amendment to Chapter 340-32 C-2 Central Business District Core (Assembly Uses to Conditional)
Date: June 6, 2022

Request

Consider an amendment to Chapter 340-32 C-2 Central Business District Core to change all assembly-type uses from permitted to conditional use.

Background Information

To maintain the primarily two-block downtown section as a commercial business district, Plan Commission directed the zoning administrator to draft an ordinance amendment to move all assembly uses to conditional use. This also moves the City's ordinances into compliance with the 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.

The assembly uses to be moved to conditional include civic uses, clubs and associations, and schools/dance studios. *Approved* existing uses that have been in operation prior to this amendment would be allowed to continue as legal non-conforming uses.

Should a property owner in the C-2 zoning district have interest in operating or leasing to an operator of one of these assembly uses in the future, Plan Commission shall make a motion to conditionally approve or disapprove based on the criteria in Chapter 340-54 (shown below). It is important to recognize that any motion to approve with conditions or to deny the application must provide substantial evidence to support the decision.

§ 340-54 Decision criteria.

- A. In making a determination on an application for a conditional use, the Commission shall consider all relevant factors specified in other sections of this chapter, including standards for specific requirements for certain land uses and activities.
- B. The Commission shall consider the following criteria:
 - (1) Compatibility.** The compatibility of the proposed use with existing development within 300 feet of the proposed use and within 500 feet along the same street and development anticipated in the foreseeable future within the neighborhood and conditions that would make the use more compatible.
 - (2) Consistency with Comprehensive Plan.** The relationship of the proposed use to the objectives of the City of Lodi Comprehensive Plan.
 - (3) Importance of services to the community.** The importance of the services provided by the proposed facility to the community, if any, and the requirements of the facility for certain locations, if any, and without undue inconvenience to the developer, and the availability of alternative locations equally suitable.

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(4) Neighborhood protections. The sufficiency of the terms and conditions proposed to protect and maintain the uses in the surrounding neighborhood.

(5) Conformance with other requirements of this chapter. The conformance of the proposed development with all provisions of this chapter.

(6) Other factors. Other factors pertinent to the proposed use, site conditions, or surrounding area considerations that the Commission feels are necessary for review in order to make an informed and just decision.

Applicable Zoning & Development Code Regulations

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

Recommendation

Moving all assembly-type uses to conditional in the C-2 zoning district aligns with RLUIPA. A conditional use will allow for assembly uses to be conditionally approved based on the merits of the use, available structure and infrastructure to serve the use, and impacts on surrounding properties and the district as whole.

Sincerely,
MSA Professional Services, Inc.



Stephen Tremlett, AICP
Zoning Administrator

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

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) Clubs and associations.~~
- (6) Convenience stores.
- (7) Day-care centers.
- (8) Essential service structures.
- (9) Parking.
- (10) Parks.
- (11) Personal services.
- (12) Professional offices.
- (13) Repair shops.
- (14) Residential uses above street level.
- (15) Restaurants.
- (16) Retail trade.
- ~~(17) Schools: SIC 7911, dance studios, schools and halls.~~
- (18) Artisan retreat facility.

C. Conditional uses:

- (1) Amusement and recreation services.
- (2) Bed-and-breakfasts and tourist homes.
- (3) Boardinghouses.
- (4) Building supply stores.
- (5) Churches.
- (6) Civic uses.
- (7) Clubs and associations.
- (8) Family day care.
- (9) Funeral homes and mortuaries.
- (10) Garden supply stores.
- (11) Gas stations.
- (12) Guest homes.
- (13) Lodging establishments.
- ~~(14) Schools: SIC 7911, dance studios, schools and halls.~~
- (15) Utility facilities.
- (16) Wireless communication facilities, including towers.
- (17) Unenclosed smoking area.