
To: Lodi Plan Commission
From: Stephen Tremlett, AICP, Zoning Administrator
Subject: Temporary Use Amendments
Date: May 7, 2021

Last year an existing temporary (pop-up) outdoor seasonal sales business had to be shut down because the City's zoning ordinance did not allow for such a use in residential zoned areas. Plan Commission requested review of the ordinances to allow for a process that would allow for such a use that was seen as providing a benefit to the community. I am providing an amendment to the Temporary Uses (Sec. 340-12) to provide an avenue to review and potentially approve this use and other temporary uses.

While reviewing the ordinance, outdoors display and sales and garage sales were not regulated. Should we regulate these other temporary uses? The primary benefit is to provide clarity on how each are regulated or not, and how they differ.

Description of Proposed Changes

The amended language to Temporary Uses (Sec. 340-12) is included at the end of this memo with the changes in red. Highlighted text identifies specific areas I would like Plan Commission feedback on.

While this does provide an avenue to allow for sales of goods in a residential yard, it does not provide an avenue to use a residentially-zoned home solely for business activity not ancillary to members of the household (as was the case in the seasonal business mentioned above). *A home occupation (per City Section 340-61) allows for an occupation conducted by members of the immediate family with no articles sold or offered for sale on the premises.* In my opinion, it is in the best interest of the City to require a rezone of a residential property in cases where the only use of the building is commercial in nature - even if it is only on a temporary basis.

Next Steps?

This meeting is to evaluate the potential avenue to regulate this temporary (pop-up) use. The language will be revised as necessary with a final version presented during a public hearing next month with Plan Commission considering a recommendation to Council to approve the amendment.

Sincerely,
MSA Professional Services, Inc.



Stephen Tremlett, AICP
Lodi Zoning Administrator

Enc: Sign Ordinance Tables; Existing Temporary Use (340-12) & Home Occupation (340-61) Regulations

MEMO

May 7, 2021

Section 340-12 Temporary Uses.

- A. Building construction trailers, equipment, and materials used in conjunction with construction work shall be removed upon completion of such construction work and issuance of a certificate of occupancy

B. Garage Sales.

- (1) Garage sales, yard sales and similar merchandise sales may be held no more than four times per year at any residence, and for a total of not more than **twelve (12) days** in that year. All goods offered for sale shall be household goods or personal possessions from the residence where the sale is being held or, in the case of a group sale, from the residences of the participating households. In no case shall any sales become outlets for wholesale or retail commercial sales.
- (2) Any garage sales, yard sales and similar merchandise sales by nonprofit, philanthropic, or civic organizations must be approved by the city clerk, and may be held no more than four times per year for not more than a total of **twelve (12) days** in that year. In no case shall any sales become outlets for wholesale or retail commercial sales.
- (3) Signage shall comply with the requirements for Temporary Miscellaneous Sign Group (Table 278-15D).

- C. Temporary Outdoor Display and Sales. Description: Includes the temporary display and sale of any items outside the confines of an enclosed building which is not otherwise regulated by the City of Lodi Code of Ordinances. Temporary display and sales include the temporary display of items normally available indoors for sale on the premises such as clothing and toys displayed for a special sale, seasonal items such as lawn and garden equipment, snow blowers, and bagged goods typically displayed outdoors during the season in which they are used, and farm or nursery related seasonal goods which may not normally be available for sale on the premises such as Christmas trees, pumpkins, flowers or farm products.

- (1) Temporary display and sales do not include the storage or display of inoperative vehicles or equipment, or other materials typically associated with a junk yard or salvage yard, those regulated elsewhere in the Municipal Code, or other temporary uses such as described in subsections A. and B. of this section.
- (2) Temporary display and sales shall be limited to a maximum of **one hundred eighty (180) days** including set-up/removal time in any calendar year for any group development or lot. The **one hundred eighty (180) days** need not be consecutive but a new conditional use permit is required for each event;
- (3) Temporary sales not accessory to a principal use on **a commercially zoned site** are prohibited **except for the temporary sale of seasonal farm/nursery products which may be unrelated to the principal use or conducted on unused lots,** or approved as a conditional use per Section 340-52 through Section 340-54.
- (4) Temporary Outdoor Display and Sales requiring a conditional use permit shall meet the following minimum requirements.
 - (a) The display and sales shall not be permitted in permanently protected green space areas, required buffer yards, or landscaped areas.

MEMO

May 7, 2021

- (b) Signage shall comply with the requirements for Temporary Miscellaneous Sign Group (Table 278-15D).
- (c) In no instance shall a temporary outdoor display and sales area create a nuisance for neighboring properties, particularly in terms of noise, light or traffic.
- (d) Shall comply with Section 340-52 through Section 340-54, procedures applicable to all conditional uses.

EXISTING REGULATIONS.

340-12 Temporary uses.

Building construction trailers, equipment, and materials used in conjunction with construction work shall be removed upon completion of such construction work and issuance of a certificate of occupancy.

340-61 Home Occupations.

A. Home occupations defined. Home occupations include any occupation for gain or support conducted by members of the immediate family residing on the premises, provided that the specified use is incidental to the residential use.

B. Home occupations are allowed in all residences in all districts with permits issued by the Zoning Administrator, provided that the following requirements are met:

- (1) No article is sold or offered for sale on the premises; samples and goods may be kept but not sold on the premises.
- (2) No exterior storage of equipment or materials is used in connection with the home occupation.
- (3) Portions of a dwelling used for home occupations shall be no more than 1/4 of the area of the total area of the principal structure.
- (4) No structural alterations or construction involving features not customarily found in dwellings are required.
- (5) Home occupations shall not involve the repair of vehicles, or motors or construction of equipment and machinery.
- (6) Home occupations shall have no on-premises or off-premises advertising signs in connection with the use. *Except sign ordinance allows one wall or window sign (up to 3 square feet) for APPROVED home occupations.*
- (7) There shall be no detriments to the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, vibration, electrical interference, traffic congestion, or other nuisances resulting from the home occupation.
- (8) Classes held on the premises shall have no more than four students at any given time.
- (9) No employees other than residents of the premises shall be permitted.
- (10) No home occupation shall be permitted that results in the need for more than two parking spaces at any given time in addition to spaces required by the occupant of the home.

C. Home occupations as conditional uses. Home occupations exceeding the standards set forth above in Subsection B may be permitted as conditional uses, subject to the terms and conditions of Article X.