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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:** May 4<sup>th</sup>, 2022 (updated from April 6<sup>th</sup>, 2022)

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### Request

Consider an amendment to Chapter 340-32 C-2 Central Business District Core to change all assembly-type uses to either conditional or permitted use. Currently some are conditional, while others are permitted.

### 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. **Per discussion with City Attorney, RLUIPA does require all similar assembly type uses (see list in the next paragraph) to be regulated the same, which means either all are permitted by right or conditionally approved.**

Section 340-32 of the City of Lodi Zoning Ordinance allows civic uses, clubs and associations, and schools/dance studios 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 without a conditional use permit. Parking will not be affected. Per the current ordinance, no business is required to provide off-street parking in the C-2 district.

**For reference, all conditional uses are evaluated based on the following parameters:**

#### **§ 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.
  - (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.

**MEMO**

5/04/2022

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**Applicable Zoning & Development Code Regulations**

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

**Recommendation**

Per consult with the City Attorney, all assembly-type uses should either be permitted by right or conditionally approved in the C-2 zoning district. As noted in the last meeting, there is merit to preserving the ground-floor commercial spaces in the area identified in the Central Business Core (C-2 zoning district).

Sincerely,  
MSA Professional Services, Inc.



Stephen Tremlett, AICP  
Zoning Administrator

Enc: C-2 Central Business District Core Regulation

**ALL PERMITTED BY RIGHT:** 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.
- (19) 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.~~
- (5) Family day care.
- (6) Funeral homes and mortuaries.
- (7) Garden supply stores.
- (8) Gas stations.
- (9) Guest homes.
- (10) Lodging establishments.
- (11) Utility facilities.
- (12) Wireless communication facilities, including towers.
- (13) Unenclosed smoking area.

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5/04/2022

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