File

ORIGINAL

ORDINANCE NO. 624

AN ORDINANCE OF THE CITY OF LODI, ADOPTING REGULATIONS AND STANDARDS FOR THE SUBDIVISION OF LANDS IN SAID CITY, PROVIDING REQUIREMENTS AND PROCEDURES THEREFOR, AND ESTABLISHING PENALTIES IN VIOLATION THEREOF.

THE CITY COUNCIL OF THE CITY OF LODI DOES ORDAIN AS FOLLOWS:

SECTION ONE - GENERAL REGULATIONS AND DEFINITIONS

11 Short Title: This ordinance may be cited as the Subdivision Ordinance of the City of Lodi, California.

1.2 Authority: This ordinance is adopted under the provisions of Section 11525 of the Business and Professions Code and in accordance with Section 65471 of the Government Code.

1.3 Repeal: All ordinances and parts of ordinances of the City of Lodi in conflict herewith, to the extent of such conflict and no further, are hereby repealed.

1.4 Definitions: The words City, City Council, City Clerk, Finance Director, City Engineer, Planning Director and Planning Commission shall refer to the City of Lodi and its duly elected and appointed officials. For the purpose of this ordinance, the following words shall have the meaning indicated.

1.41 Alley - a secondary vehicular access way to the side or rear of properties otherwise abutting on a street.

1.42 Block - a parcel of land bounded entirely by streets, railroads, or waterways, or any combination thereof.

1.43 Cul-de-sac - a street closed at one end by a turnaround.

1.44 Final Map - a subdivision map filed in accordance with this ordinance and with the Subdivision Map Act for approval by the City Council and recording in the County Recorder's office.

1.45 Lot - a parcel of land detached from other parcels by a legal description, whether in a subdivision map, a record of survey, or by metes and bounds which is occupied or proposed to be occupied by a building or to be used separately from the adjoining properties.

1.46 Lot, non-residential - a lot located in a commercial or an industrial zone.

1.47 Lot, residential - a lot located in a residential zone.

1.48 Lot, reverse-frontage - a lot fronting on one street and having its rear line abutting on another street to which access is prohibited.

1.49 Monument - a metal or concrete marker with the surveyor's number indicated thereon which is placed to denote a survey point.

1.50 Person - an individual, partnership, company, corporation, or other legal entity.

1.51 Shall - a mandatory requirement.

1.52 Street - a vehicular way which ordinarily provides the principal access to the property abutting it.

1.53 Street, expressway - a divided highway to carry heavy traffic volumes.

1.54 Street, arterial - a street to carry heavy traffic volumes.

1.55 Street, collector - a street to carry moderate traffic volumes.

1.56 Street, industrial - a street to serve industrially zoned property.

1.57 Street, residential - a street serving primarily the lots abutting it.

1.58 Street, minor residential - a residential street not exceeding 400 feet in length.

1.59 Street, frontage - a street parallel and adjacent to a limited access street and which provides access to lots abutting thereon.

1.60 Subdivision - the division of land into five or more lots.

1.61 Subdivision, minor - the division of land into two, three, or four lots.

1.62 Subdivision Map Act - the law of the State of California regulating the subdivision of land as contained in Chapter 2, Part 2, Division 4, Business and Professions Code and any future amendments thereto.

1.63 Surveyor - a licensed land surveyor or a registered civil engineer under the laws of the State of California.

1.64 Tentative Map - a map made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it.

1.65 Zoning Ordinance - the Zoning Ordinance of the City of Lodi.

SECTION TWO - PROCEDURES

2.1 Preliminary Map: Any person proposing to subdivide land in the City of Lodi or within an area proposed for annexation thereto should discuss the proposed subdivision with the Planning Director so as to determine the Subdivision and Zoning Ordinance Requirements which may be applicable.

2.2 Minor Subdivisions: Land proposed to be divided into two, three, or four lots, any of which is less than one acre in area, shall comply with this Section.

2.21 Filing: Six black or blue line copies of a map showing how the land is to be divided, deeds to any proposed streets and easements, and a current title report, shall be filed with the Planning Director.

2.22 Inspection: The Planning Director shall determine whether the map conforms to the provisions of this ordinance and the Zoning Ordinance and if it conforms, he shall submit copies of the map to the City departments and utility companies concerned for a report as to the adequacy of the proposed easements and for determination of the required improvements.

2.23 Payment for Improvements: Prior to approval of the map, the subdivider shall pay to the Finance Director the total cost of all street and utility improvements required by Section 5 of this ordinance as estimated by the City Engineer. The City shall cause these improvements to be installed.

2624 Approval: Upon satisfaction of the requirements contained herein, the Planning Director shall approve the map and shall send copies to the subdivider, city departments and utility companies. Deeds to the streets and easements shall then be accepted by the City.

2.3 Tentative Map: A person desiring to divide land into five or more lots shall file a Tentative Map and comply with the provisions of this Section.

2.31 Filing: Eight black or blue line copies of the map shall be filed with and a filing fee of five dollars shall be paid to the Planning Director at least seven days prior to the Planning Commission meeting at which the map is to be considered.

2.32 Distribution and Report: Copies of the map shall be sent to the City departments and utility companies concerned with new subdivisions. These agencies shall submit a report to the Planning Director regarding the easements needed to adequately serve the subdivision and other requirements which may affect the subdivision design.

2.33 Commission Action: At its next meeting, the Planning Commission shall consider the map along with a written report from the Planning Director. The Commission shall approve, disapprove, or conditionally approve the map within thirty days after its filing with the Planning Director unless the subdivider agrees to a time extension. If the map is disapproved, the Commission shall state its reasons in writing to the subdivider.

2.34 Disposition of Maps: The Planning Director shall inform the subdivider in writing as to the action of the Commission. Copies of an approved map shall be sent to the subdivider and the City Engineer.

2.35 Time Limit: The approval of any tentative map shall become void one year from the date of its approval unless a final map is recorded on all or a portion of the area contained in the tentative map. If a final map is recorded on a portion of the area, the tentative map shall remain valid for the balance of the property for one year after the date of its approval. Streets and easements needed for access into said portion shall be provided by the subdivider as a part of or along with the final map. This time limit may be extended by the City Council for not exceeding one year upon the request of the subdivider.

2.4 Final Map: Land for which a tentative map has been approved may be submitted as a final map under this Section.

2.41 Filing: One copy of the final map, a filing fee of twenty dollars, a current title report, and the surveyor's computation sheets shall be submitted to the City Engineer at least seven days prior to the City Council meeting at which the map is to be presented. The cloth original of the map with all corrections and required signatures completed shall be submitted two days prior to the meeting.

2.42 Examination: The City Engineer shall examine the map as to the technical accuracy of the survey and as to the compliance of the final map with the approved tentative map with particular reference to street alignments, lot sizes and utility easements. When satisfied with its correctness, he shall sign the cloth original and shall forward it to the City Clerk for presentation to the City Council.

2.43 Agreement for Improvements: Prior to the approval of the final map, the subdivider shall agree in writing to provide the street and utility improvements required by this ordinance. As a guarantee that said improvements will be installed, the subdivider shall post with the Finance Director a cash deposit or a surety company bond in the amount of 10% of the total cost of these improvements as estimated by the City Engineer.

2.44 Council Action: If all the requirements of this ordinance have been met, the City Council shall approve the map. If the requirements have not been met, the map shall be returned to the subdivider with the reasons therefor.

2.45 Recording: After City Council approval of the map, it shall be signed and returned to the City Clerk for transmittal to the County Recorder. The costs of recording and of necessary copies of the map for the City shall be paid by the subdivider.

2.46 Installation of Improvements: At least 30 days prior to the scheduled date for the installation of utilities by the City, the City Engineer shall notify the subdivider in writing that the full amount of the cash deposit or surety bond to cover all street and utility improvements is due for that portion of the subdivision to be currently developed. At least 15 days prior to the scheduling date, said deposit or bond shall be posted with the Finance Director. If the payment is not so made, the proposed work shall be removed from the construction schedule and shall not be rescheduled until all current work schedules are completed and until the full amount of the payment is made. If the subdivider has posted a cash deposit, the City Engineer may authorize progress payments from the deposit for work completed by the subdivider. If a surety bond has been posted, the subdivider shall pay all charges billed by the City within 30 days of the completion of work by the City.

2.47 Reversion to Acreage: A final map may be filed in accordance with the provisions of the Subdivision Map Act for the purpose of reverting subdivided lots back to acreage land. In such cases, the bond or cash deposit shall be returned to the subdivider.

2.48 Exceptions: A record of survey, on which a tentative map has been approved and which meets either of the following conditions, may be filed pursuant only to the provisions of Chapter 15, Division 3, Business and Professions Code, provided however, that no streets shall be accepted as public streets and no utility services shall be installed until the improvements required by Section 5 of this ordinance have either been installed or guaranteed by a security company bond or a cash deposit filed with the City to cover these costs.

2.481 A parcel of land containing less than five acres, in which all lots abut upon dedicated streets, and in which no street widenings or openings are required.

2.482 A parcel of land divided into lots of one acre or more.

SECTION THREE - MAP INFORMATION

3.1 Minor Subdivision Map

3.11 Form: The map shall be drawn on a sheet measuring not less than 8½ by 11 inches and shall be to a scale not less than one inch equals one hundred feet.

3.12 Survey Data: The map shall contain sufficient survey information to locate all monuments and interior and exterior boundaries appearing thereon and shall show the relationship of the subdivision to adjoining surveys.

3.13 Monumentation: A monument shall be placed at each lot corner, at each point where changes in bearings occur, and at the tangent points of all curves.

3.14 Other Data: The name and address of the owner and the name and license number of the surveyor shall be shown.

3.2 Tentative Map

3.21 Form: The map shall be drawn on a sheet or sheets measuring 18 inches by 26 inches with a one inch margin on all sides and to a scale of not less than one inch equals one hundred feet.

3.22 Required Information: The following data shall be placed on the map or shall accompany same.

3.221 Tract number and subdivision name.

3.222 Legal description sufficient to locate the exterior boundaries of the subdivision.

3.223 Names, addresses and telephone numbers of owner, subdivider (if different from owner), and surveyor.

3.224 Locations, widths, and names of all existing and proposed streets and the locations, widths and purpose of all existing and proposed easements.

3.225 Approximate radius of each curve.

3.226 Lot layout and approximate lot dimensions.

3.227 Boundaries of any areas subject to periodic flooding and the location of all water courses.

3.228 Location of major obstacles which may affect the subdivision design or utility easements with particular reference to buildings, trees, or other improvements.

3.229 Present and proposed zoning classifications.

3.230 Existing and proposed public areas.

3.231 Date, north arrow, and scale.

3.232 Location map showing the relation of the subdivision to the surrounding area (required only if requested by the Planning Commission).

3.3 Final Map

3.31 Form: The final map shall be drawn in India ink on tracing cloth in conformity with the requirements of the Subdivision Map Act. The scale shall not he less than one inch equals one hundred feet.

3.32 Survey Data: The map shall contain sufficient survey information to locate all monuments and all interior and exterior boundaries appearing thereon and shall show the relation of the subdivision to surrounding surveys.

3.33 **Monumentation:** A monument, shall be placed at each lot corner, at each point in the subdivision where changes in bearings occur, and at the tangent points of all curves.

3.34 **Numbering:** Each lot in the subdivision shall be numbered and each street named. Blocks may be numbered or lettered.

3.35 **Certificates:** In addition to those certificates required by the Subdivision Map Act, a certificate shall be made on the map indicating City Council action in approving the final map, accepting the dedication of all easements, and rejecting the dedication of all streets until said streets are improved as required by this ordinance.

SECTION FOUR - DESIGN STANDARDS

4.1 **General Standards:** The standards established by this section are considered minimum requirements for the development of new subdivisions in the City of Lodi.

4.2 **Streets and Alleys**

4.21 **Minimum right of way widths:**

4.211	Expressway Street	100 feet
4.212	Arterial Street	80 feet
4.213	Collector Street	60 feet
4.214	Industrial Street	60 feet
4.215	Residential Street	55 feet
4.216	Minor Residential Street	50 feet
4.217	Frontage Street	40 feet
4.218	Alley	20 feet

4.22 **Alignment and Continuation of Streets**

4.221 Existing streets shall be continued into and/or through the subdivision where needed for proper traffic circulation.

4.222 Railroads and proposed grade separations shall be considered in the location of streets so as to minimize future spur track crossings and dead-end streets.

4.223 Streets shall intersect at approximately right angles.

4.224 Corners at street intersections shall be rounded with a curve of 20 foot minimum radius or equivalent chord.

4.23 Cul-de-sacs

4.231 Cul-de-sacs shall not be permitted where a through street is necessary for proper traffic circulation.

4.232 Cul-de-sacs shall be terminated by a circular turn-around with a 40 foot minimum radius and shall have a maximum length of 300 feet as measured from the center of the circle to the centerline of the intersecting street. The intersection of the circle with the street leading to it shall be rounded with a 20 foot minimum radius curve.

4.24 Partial Streets

4.241 Existing partial streets adjacent to a subdivision shall be completed to the required ultimate width except that no subdivider shall be required to improve more than one-half the width of such a street.

4.242 Partial streets may be allowed only if the adjoining property may reasonably be expected to be developed with a street in that location.

4.25 Alleys

4.251 Alleys are permitted in any area and may be required in commercial and industrial areas if development of the property necessitates them.

4.252 Dead end alleys are prohibited unless terminated by a turnaround approved by the Commission.

4.3 Utility Easements

4.31 Utility easements shall be provided where needed to serve each lot of the subdivision and shall be located along interior lot lines wherever feasible.

4.32 Utility easements shall have a minimum width of 16 feet except that along side lot lines, a reduction in the width may be approved by the Commission if the full width is not needed for utility purposes.

4.33 Along exterior boundaries of the subdivision where a matching easement is not obtainable from the adjacent property owner, the width of the required easement shall be determined by the Planning Commission.

4.4 **Blocks**

4.41 Blocks shall have a maximum length of 1300 feet unless the lots back to a major physical obstruction.

4.42 A pedestrian walkway, ten feet in width, may be required between streets in blocks having a length greater than 1,000 feet.

4.5 **Lots**

4.51 Minimum dimensions and areas of residential lots shall be those required by the Zoning Ordinance.

4.52 Side lot lines shall be at approximately right angles to the street.

4.53 Frontage streets or reverse frontage lots with screening fences may be required by the Planning Commission where the desirable development of the property would be adversely affected by fronting on a major street or by facing an incompatible land use.

4.54 Non-residential lots may be platted only if the property is zoned for the proposed development and only if the lots will be adequate in size to provide off-street parking and truck loading space as required by the Zoning Ordinance.

4.6 **Street Names** shall not be similar to any existing street names in the City of Lodi or within three miles thereof and shall be approved by the Commission.

4.7 **Other Considerations**

4.71 The subdivider shall work with the Commission to create a reasonable and desirable street pattern which will serve the general area adjacent to the proposed subdivision. To this end, the Commission may require certain streets to be connected or to be extended to the boundaries of the subdivision.

4.72 The needs for schools, parks, and other public sites shall be considered by the Commission in the approval of large subdivisions.

4.8 **Prohibition of Subdivisions**

4.81 No residential subdivision shall be approved in an industrial zone.

4.82 No subdivision shall be approved where a potential hazard from flood or other natural disaster exists which may endanger the health, safety, or general welfare of persons or property in the area.

SECTION FIVE - IMPROVEMENT REQUIREMENTS

5.1 General Specifications: All improvements specified in this section are required and shall be constructed according to the designs, requirements, and specifications of the City Engineer, the Superintendent of Utilities, or the utility company concerned. The cost of utilities and improvements to be installed by the City and which are to be paid for by the subdivider shall be at the amounts established from time to time by resolution of the City Council.

5.2 Streets and Alleys: All work shall be done and paid for by the subdivider unless otherwise noted.

5.21 Streets and alleys shall be constructed to grades set by the City Engineer and shall be surfaced with a penetration treatment for the full width between gutters.

5.22 Concrete curbs and gutters shall be installed on each side of all streets and alleys.

5.23 Concrete sidewalks shall be installed on each side of all streets.

5.24 Final paving of the streets shall be done by the City at the subdivider's expense.

5.3 Utilities: All work shall be done by the City at the subdivider's expense unless otherwise noted.

5.31 Utility easements shall be cleared by the subdivider of all trees, buildings, and other obstructions to the extent necessary for the installation of utility lines.

5.32 Facilities for water service, fire protection, storm drainage, and sanitary sewerage shall be installed.

5.33 Street lights are required on all new streets, but shall be optional with the Superintendent of Utilities on existing streets. The subdivider shall cause the street lights to be installed in locations determined by the Superintendent of Utilities.

5.34 Electric service facilities shall be installed.

5.35 Gas and telephone service to the subdivision shall be arranged for by the subdivider with the utility companies concerned.

5.4 Other Improvements

5.41 Street signs shall be placed at each intersection by the City at the expense of the subdivider.

5.42 Pedestrian walks, if required by the Planning Commission, shall be paved by the City at the expense of the subdivider with plant mix to grades established by the City Engineer.

5.43 Screening fences, if required by the Planning Commission, shall be constructed by the subdivider and shall be solid fence or wall six feet in height.

5.44 Street trees are not required, but if installed within eight feet of the street right of way, they shall be of a type approved by the City Engineer. No trees shall be planted within five feet of the sidewalk.

SECTION SIX - VARIANCES

6.1 Conditions: The standards and requirements of this ordinance may be varied by the Planning Commission under either of the following conditions.

6.11 Hardship: If the Planning Commission finds that special circumstances adversely affect the way in which a property may be subdivided and determines that an unusual hardship exists which was not created by any action of the owner, it may vary the terms of this ordinance to the extent that substantial justice will be served and the intent of the ordinance will be fullfilled.

6.12 Large Scale Development: Where a complete neighborhood or community development is proposed as one subdivision, the commission may modify the strict requirements of this ordinance so as to promote the most reasonable development of the property if it determines that the design of the proposed development will substantially achieve the purpose of the ordinance in providing for adequate traffic circulation, open spaces, building sites, and service needs and if legal assurance is given that the property will be developed according to the approved plan.

6.2 Procedure: A subdivider may submit with the tentative map a written statement which shall set forth the variance requested and the conditions and reasons on which the request is based.

6.21 The Commission shall consider the request for a variance along with the tentative map and any other supporting data and may deny the request or recommend to the City Council that it be approved. If approval is recommended, the tentative map may be approved subject to the variance.

6.22 The Council shall consider the recommendation of the Commission at its next meeting and shall approve or disapprove the variance. If disapproved, the Council shall state its reasons and the tentative map shall be automatically disapproved and returned to the Commission for further study.

SECTION SEVEN - APPEALS

7.1 Appeal from Administrative Decision: Any person dissatified by a decision of the Planning Director, the City Engineer or any other official with regard to the administration of this ordinance may file a written appeal with the Planning Commission setting forth the decision appealed from and the grounds for such appeal.

7.11 An appeal must be filed with the Planning Commission within 15 days of said decision and at least 7 days prior to the meeting at which the appeal is to be considered.

7.12 The official whose decision is appealed from shall file a written statement with the Planning Commission setting forth the reasons for his decision.

7.13 After reviewing the appeal, the Commission may sustain, modify, or overrule the decision.

7.2 Appeal from Planning Commission: Any person dissatisfied by an action of the Planning Commission in regard to this ordinance may file a written appeal with the City Council stating the action appealed and the grounds therefor.

7.21 The appeal shall be filed with the City Clerk within 15 days of the action and at least 7 days prior to the Council meeting at which it is to be considered.

7.22 After notice to the subdivider and to the Planning Commission, the City Council shall hear the appeal and after due consideration, may sustain, modify, or overrule the action of the Planning Commission.

SECTION EIGHT - ENFORCEMENT AND PENALTIES

8.1 Sale of Lots: It shall be unlawful for any person to offer to sell, to contract to sell, or to sell any part of a subdivision or minor subdivision as herein defined until said subdivision or minor subdivision has complied with the provisions of this ordinance.

8.2 Enforcement: It shall be the duty of the Planning Director, the City Engineer and all other officials of the City of Lodi to enforce the provisions of this ordinance.

8.3 Penalties: Any person who wilfully violates any of the provisions or fails to comply with any of the mandatory requirements of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not to exceed five hundred dollars or by imprisonment in the County jail for a term not to exceed six months, or by both fine and imprisonment. Each day of violation shall be deemed a separate violation under %he terms of the ordinance,

8.4 Remedies: Nothing herein contained shall be deemed to bar any legal, equitable, or summary remedy to which the City of Lodf or any perasn may otherwise be entitled, and the City of Lodi or any person may file a suit in the Superior Court of the County of San Joaquin to restrain OF enjoin any attempted or proposed subdivision or sale in violation of the provisions of this ordinance.

SECTION NINE - VALIDITY

If any section, sub-section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases should be declared invalid.

SECTION TEN - EWACTMENT

This Ordinance shall be published once in the Lodi News-Sentinel and shall be in full force and take effect thirty (30) days from and after its passage and approval.

Approved this 3rd day of September, 1958.

ATTEST: Beatrice Garibaldi

Mayor of the City of Lodi

BEATRICE GARIBALDI
City Clerk

I, BEATRICE GARIBALDI, City Clerk of the City of Lodi and ex officio Clerk of the City Council, do hereby certify that Ordinance No. 624 was introduced at a regular meeting held August 20, 1958, and was thereafter passed, adopted and ordered to print at a regular meeting held September 3, 1958, by the following vote:

AYES: Councilmen - Brown, Culbertson, Mitchell, Robinson and Katzakian

NOES: Councilmen - None

ABSENT: Councilmen - None

I further certify that Ordinance No. 624 was approved and signed by the Mayor on the date of its passage and that the same has been published pursuant to law.

Beatrice Garibaldi
BEATRICE GARIBALDI
City Clerk