

ORDINANCE NO. 1372

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI ESTABLISHING  
REGULATIONS FOR VESTING TENTATIVE MAPS FOR RESIDENTIAL SUBDIVISIONS.

The City Council of the City of Lodi does ordain as follows:

SECTION 1. The City Council of the City of Lodi hereby establishes regulations for vesting Tentative Maps for residential subdivisions, as follows:

ARTICLE 1. GENERAL PROVISIONS

Section 1-1: Citation and Authority

This ordinance is enacted pursuant to the authority granted by Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the Government Code of the State of California (hereinafter referred to as the Vesting Tentative Map Statute), and may be cited as the Vesting Tentative Map Ordinance.

Section 1-2: Purpose and Intent

It is the purpose of this ordinance to establish procedures necessary for the implementation of the Vesting Tentative Map Statute, and to supplement the provisions of the subdivision Map Act and the Subdivision Ordinance. Except as otherwise set forth in the provisions of this ordinance, the provisions of the Subdivision Ordinance shall apply to the Vesting Tentative Map Ordinance.

To accomplish this purpose, the regulations outlined in this ordinance are determined to be necessary for the preservation of the public health, safety and general welfare, and for the promotion of orderly growth and development.

Section 1-5: Application

(a) This ordinance shall apply only to residential developments. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by the City Subdivision Ordinance, requires the filing of a tentative map or tentative parcel map for a residential development, a vesting tentative map may instead be filed, in accordance with the provisions hereof.

(b) If a subdivider does not ~~seek~~ the rights conferred by the Vesting Tentative ~~Map~~ Statute, the filing of a vesting tentative ~~map~~ shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.

## ARTICLE 2. PROCEDURES

### Section 2-1: Filing and Processing

A vesting tentative ~~map~~ shall be ~~filed~~ in the ~~same~~ form and have the ~~same~~ contents, accompanying data and reports and shall be processed in the same manner as set forth in the City Subdivision Ordinance Chapter 16.04 ~~for~~ a tentative ~~map~~ except as hereinafter provided:

(a) At the time a vesting tentative ~~map~~ is filed it shall have printed conspicuously on its face the words "Vesting Tentative Map."

(b) At the time a vesting tentative ~~map~~ is filed a subdivider shall also supply the information as required by the Community Development Department.

Section 2.2: Fees

(a) Upon filing a vesting tentative map, the subdivider shall pay the fees as set and established from time to time by resolution of the City Council for the filing and processing of a tentative map. No part of such filing fee is returnable.

Section 2-3: Expiration

The approval or conditional approval of a vesting tentative map shall expire at the end of **24** months and **shall** be subject to the same extensions, established by the Subdivision Ordinance for the expiration of the approval or conditional approval of a tentative map.

ARTICLE 3. DEVELOPMENT RIGHTS

Section 3-1: Vesting on Approval of Vesting Tentative Map

(a) The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development

in accordance with policies in effect at the **date** the Community Development Department has determined that the application is complete.

(b) Notwithstanding subdivision (a) a permit, approval, extension, or entitlement may be ~~made~~ conditional or denied if any of the following are determined:

(1) A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.

(2) The condition or denial is **required**, in order to comply with state or federal law.

(c) The rights referred to herein shall expire if a final **map** is not approved prior to the expiration of the vesting tentative **map** as provided in Section 2-3. If the final **map** is approved, these rights **shall** last for the following periods of time:

(1) An initial ~~time~~ period of 2 years.

Where several **final** maps are recorded on various phases of a project covered by a single vesting tentative **map**, this initial ~~time~~ period shall ~~begin~~ for each phase when the final **map** for that phase is recorded.

(2) The initial time period set forth in (c) (1) shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds 30 days, from the date a complete application is filed.

(3) A subdivider may request a one-year extension by written application to the advisory agency at any time before the initial time period set forth in (c) (1) expires. If the extension is denied, the subdivider may appeal that denial to the City Council within 15 days.

(4) If the subdivider submits a complete application for a building permit during the periods of time specified in subdivisions (1) - (3), the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit.

### Section 3-3: Applications Inconsistent with Current Policies

Notwithstanding any provision of this ordinance, a property owner or his or her designee may seek approvals or permits for development which depart from the ordinances, policies,

and standards described in sections 3-1(a) and 3-2, and local agencies may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law.

SECTION 2. All ordinances and **parts** of ordinances in conflict herewith are repealed *insofar* as such conflict **may** exist.

SECTION 3. This ordinance shall be published one time in the "Lodi News Sentinel", a **daily** newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days **from** and after its passage and approval.

Approved this 5th day of February 1986

A handwritten signature in cursive script, appearing to read "David D. ...", written over a horizontal line.

MAYOR

Attest:

A handwritten signature in cursive script, appearing to read "Alice M. Reimche".

ALICE M. REIMCHE  
City Clerk

State of California  
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1372 was introduced at a regular meeting of the City Council of the City of Lodi held January 15, 1986, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held February 5, 1986 by the following vote:

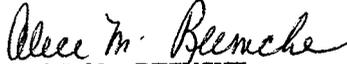
Ayes : Council Members - Olson, Pinkerton, Reid, Snider,  
and Hinchman (Mayor)

Noes : Council Members - None

Absent : Council Members - None

Abstain: Council Members - None

I further certify that Ordinance No. 1372 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

  
ALICE M. REIMCHE  
City Clerk

Approved as to Form

  
RONALD M. STEIN  
City Attorney