

City of Brawley

Final Subdivision Ordinance



**City of Brawley
400 Main Street
Brawley, CA 92227**

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Sec. 23A.1. Short title. This chapter shall be known as the “City of Brawley Subdivision Ordinance”. (Ord. No. 97-02, § 1.)

Sec. 23A.2. Scope of chapter—Construction of terms—Advisory agency. Pursuant to the Subdivision Map Act of the state, the provisions of this chapter are supplemental to those of such Act, and shall apply to all subdivisions of land hereafter made when the land is entirely, or partially, within the city limits of the city. All terms herein used which are defined in the Subdivision Map Act shall have the same meaning as ascribed thereto in such Act, and as such Act may hereafter be amended, except as hereinafter expressly defined. The city planning commission is hereby designated as the advisory agency referred to in such Act, and is charged with the duty of making investigations, and reports on the design and improvement of proposed subdivisions, and the commission shall approve, conditionally approve, or disapprove tentative subdivision maps. A commission decision may be appealed to the city council in the manner prescribed in the city of Brawley zoning ordinance. The city council shall approve, conditionally approve, or disapprove final maps and retains the authority to determine the kinds and extent of off-site improvements required in subdivisions. In areas where this ordinance is silent or contradicts the state Subdivision Map Act, said Act shall take precedence. (Ord. No. 97-02, § 1.)

Sec. 23A.3. Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings ascribed to them by this section (those not listed herein shall have those definitions ascribed in the Subdivision Map Act):

1. Lot.

(a) A parcel of real property with a separate and distinct number or other designation shown on a plat recorded with the county recorder, or

(b) A parcel of real property containing not less lot area than required by the zone in which it is located, abutting at least one public street.

2. Parcel of land. The same definition as “Lot”.

3. Final map. “Final map” refers to a map made for the purpose of showing detailed design information and survey information including detailed drainage plans, street plans, water and sewer plans, and grading plans. The cover sheet of a final map shows dedication of public improvements, certificates, and includes signatures of the engineer preparing the map and the city engineer approving the map as being technically correct.

4. Parcel map. “Parcel map” refers to a map made for the purpose of showing the division of a parcel of property into four or less lots, tracts, or parcels. A final parcel map shows detailed design and survey information, and certificates and dedications (if required).

5. Adjustment plat. This shall refer to a lot merger or a lot line adjustment.

6. Advisory agency. For tentative maps, the planning commission is designated the advisory agency. (Ord. No. 97-02, § 1.)

Sec. 23A.4. Improvements generally.

- (a) City standard streets shall be constructed within all subdivisions to provide for adequate ingress and egress. The streets shall be constructed to city standards as ascribed in the city of Brawley general plan or an alternate design approved by the city engineer. Street or roadway development within the California Department of Transportation jurisdiction shall use the state's specifications as the minimum acceptable standards.
- (b) All sidewalks, curbs, gutters, pavements, street lighting, sanitary sewer lines, water lines, fire hydrants, culverts, catch basins, and other drainage structures shall be installed to city standards by the subdivider.
- (c) Sanitary sewer lines and appurtenances shall conform to the existing sewer lines and appurtenances, if any; excepting, however, where a sewer line is constructed or laid within a street or road, the subdivider shall construct a four-inch sewer line to the property line of each and every lot within the subdivision. All sanitary sewer lines, appurtenances, and service connections shall be constructed or laid to the grade approved by the city engineer.
- (d) Water lines and appurtenances shall conform to the existing water lines and appurtenances, if any. The requirements for water lines within subdivisions, and the design thereof, shall be as determined by the city engineer.
- (e) Adequate areas for off-street parking of motor vehicles shall be provided for use as required by the zoning ordinance.
- (f) Underground utility facilities shall be located at the rear or front of all lots and shall be installed in a utility easement area at least ten feet in width.
- (g) The cost of development impact fees imposed by the city shall be included in calculating the value of off-site improvements for map extension purposes.
- (h) Model homes may be constructed prior to approval of a final map and the developer shall bear all responsibility (including but not limited to cost) of a removal of said homes should removal become necessary (i.e., a final map is not recorded). (Ord. No. 97-02, § 1.)

Sec. 23A.5. Lots.

- (a) All lots in subdivisions shall have no less area than that allowed by the zoning ordinance.
- (b) The minimum width and depth of lots shall be no less than allowed by the zoning ordinance.
- (c) The width to depth ratio of any lot in any subdivision shall be no greater than three to one.
- (d) No lot shall be divided by a county or city boundary line.
- (e) The side lines of lots shall be at approximately right angles to the street line on straight streets or radial on curved streets.

(f) All lots shall have frontage on a street. Lots having double frontage shall be avoided. Where unavoidable, double frontage lots shall have access limited to only one end of the lot. Access at the opposite end of the lot shall be restricted in a manner approved by the planning department (i.e., a solid masonry wall). All lots shall be suitable for the purpose for which they are intended to be sold.

(g) Corner lots shall have a width sufficient to permit the maintenance of adequate front and side yards as required by the zoning ordinance. (Ord. No. 97-02, § 1.)

Sec. 23A.6. Blocks, grades and curves. Block length, pedestrian pathways, street grades, and suitability of centerline radii and tangents shall be determined by the city engineer. (Ord. No. 97-02, § 1.)

Sec. 23A.7. Parcel maps.

(a) A subdivider, proposing to divide property into four or less parcels for the purpose of sale, lease, or financing, shall file a tentative parcel map with the planning department. The tentative parcel map shall comply with all the provisions of Division 2, Chapter 2, Article 3 of the state Subdivision Map Act which regulates the form and content of parcel maps. The subdivider shall file a parcel map application and all associated documentation as specified therein, and shall pay a filing fee as required by this subdivision ordinance.

(b) Off-site street improvements may be required where parcels do not have frontage on a city standard dedicated street.

(c) After receiving a recommendation from the planning director, the planning commission shall approve, conditionally approve, or disapprove the tentative parcel map at the next regular meeting of the commission.

(d) The planning commission shall disapprove any parcel map that is not consistent with the general plan or any specific plan as required by section 66474 of the Subdivision Map Act or any future amendments thereto.

(e) After action has been taken on a tentative parcel map, the subdivider shall, within a time period specified by the planning commission in accordance with the Subdivision Map Act, file a final parcel map, which is based upon a field survey made in conformity with the Land Surveyors Act. The final parcel map should include street plans, drainage plans, and water and sewer plans, if these improvements were required by the planning commission. All off-site improvement plans shall be approved by the city engineer. If off-site improvements are required, an improvement agreement between the subdivider and the city shall be entered into unless all required off-site improvements are completed prior to recording a final map. The subdivider shall provide an instrument of credit from one or more financial institutions pledging that the funds necessary to carry out the improvement agreement are on deposit and guaranteed for payment, or a letter of credit issued by such financial institution shall be provided. Tentative parcel map extensions may be granted by the planning commission in accordance with the Subdivision Map Act.

(f) The planning commission's decision regarding approval, conditional approval, or disapproval of a parcel map may be appealed to the city council in the manner prescribed in the city of Brawley zoning ordinance.

(g) Procedure for waiver of parcel map requirement.

(1) The subdivider may apply for a waiver of the parcel map requirement as authorized by the state Subdivision Map Act. Such application for waiver shall be made to the planning director on forms provided by the planning department. An application fee shall be paid as provided in this subdivision ordinance.

(2) After receiving a completed application, the planning director shall place the application on the agenda of the next regularly scheduled planning commission meeting. The planning commission shall then set the matter for a public hearing. All property owners within three hundred feet of the subject parcel shall be notified of the hearing. In addition, if the application involves the conversion of an existing apartment house into a condominium project, all tenants shall be given notice of the public hearing and their right to appear and be heard.

(3) The planning commission, after conducting the public hearing required by this section, shall approve, conditionally approve, or disapprove the application. The commission, in making its determination, shall make findings to support its determination. In making findings, the commission shall take into consideration the requirements of the zoning ordinance, general plan, specific plan (if applicable), and city standard requirements for streets, access, floodwater drainage control, water supply availability, environmental protection, and sewage disposal.

(4) The planning commission shall disapprove an application for parcel map waiver if findings are made that the proposed division will be detrimental to the public health, safety, or general welfare of persons residing in the area.

(5) The planning commission shall not approve any parcel map waiver application if a finding is made by the commission that off-site improvements are required to be constructed to provide necessary facilities for access, drainage control, water supply, sewage disposal, or environmental protection.

(6) The planning commission shall not grant a parcel map waiver for the conversion or construction of five or more condominium units.

(7) If the application for parcel map waiver is approved by the planning commission, the planning director shall complete a certificate of compliance which shall then be transmitted by the city clerk to the county recorder for recording. (Ord. No. 97-02, § 1.)

Sec. 23A.8. Adjustment plats.

(a) Applicability. The procedure and requirements set forth in this subdivision ordinance shall govern the approval of adjustment plats and lot line adjustments. Any adjustment plat or lot line

adjustment may be filed pursuant to the provisions of this subdivision ordinance to adjust the boundaries between two or more adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not created. All adjustment plat and lot line adjustment applications shall comply with all the provisions of the state Subdivision Map Act, specifically Section 66451.11, which regulates contiguous parcel/common ownership merger requirements. The city engineer shall determine that the proposed boundary adjustment does not:

- (1) Create any new lots;
- (2) Include any lots or parcels created illegally;
- (3) Impair any existing access or create a need for new access to any adjacent lots or parcels;
- (4) Impair any existing easements or create the need for any new easements serving any adjacent lots or parcels;
- (5) Require substantial alteration of any existing improvements or create the need for any new improvements;
- (6) Adjust the boundary between lots or parcels for which a secured agreement to complete improvements pursuant to a final map or parcel map exists and the improvements have not been completed.

(b) Procedure for approval or disapproval of the adjustment plat.

(1) The applicant shall submit an application to the planning director for approval of an adjustment plat along with a reproducible adjustment plat and such additional information as may be required to implement the provisions of this subdivision ordinance. The following information shall be included with said application:

- a. Information as required by section 23A.7 of this subdivision ordinance for tentative parcel maps;
- b. A reproducible adjustment plat;
- c. A nonrefundable processing fee as required by the city;
- d. A certificate showing that all owners of any record title interest in any of the affected parcels have agreed to the adjustment.

(2) Referral. The planning director shall forward a copy of such plat to the city engineer to determine the plat's compliance with this subdivision ordinance and the state Subdivision Map Act and may refer copies of such plat to other public agencies for review and comment.

(3) Within thirty days after the application has been accepted as complete, the planning director shall approve, conditionally approve, or disapprove the adjustment plat. The applicant shall be notified of the decision by written notice. All affected property owners will be required to file the appropriate grant or transfer deeds and grant all necessary easements.

(4) If the planning director determines that the adjustment plat meets the requirements of this subdivision ordinance, he shall certify on the adjustment plat that it has been approved and forward it to the office of the city clerk who shall then transmit it to the county recorder for recording. The planning director shall require a revised adjustment plat to be submitted when said planning director finds that the number or nature of the changes necessary for approval are such that they cannot be shown clearly or simply on the original plat.

(c) Requirements. The planning director may prescribe the following requirements as conditions of approval on an adjustment plat:

(1) Relocation of lot lines to provide lots that meet the requirements of any applicable zoning regulations and conform to lot designs specified in Section 23A.5 of the city of Brawley's subdivision ordinance;

(2) Provision of safe and adequate access to each lot or parcel within the adjustment plat;

(3) The addition of a distinctive boundary line, clearly labeled, that delineates the limits of any area subject to flooding or inundation.

(d) Time limit to file a revised adjustment plat. Failure to file a revised adjustment plat or comply with other conditions of approval within one year from the date of conditional approval by the planning director shall terminate all proceedings.

(e) Appeal. Any person dissatisfied with the decision of the planning director may appeal the decision to the planning commission. Any appeal shall be filed with the city clerk in the manner prescribed in the zoning ordinance within ten days of the decision. (Ord. No. 97-02, § 1.)

Sec. 23A.9. Tentative maps.—Contents, information to be shown, etc., number of copies, general requirements.

(a) Each proposed subdivision shall be submitted in map form. The size, scale, and quantity of proposed subdivision maps to be submitted to the planning department shall be as per the tentative map application. A filing fee shall be paid as specified in this subdivision ordinance.

(b) Each tentative map shall contain information specified by the planning director. (Ord. No. 97-02, § 1.)

Sec. 23A.10. Procedure for approval or disapproval of tentative maps.

(a) Each tentative subdivision map must have a tract number and name to be approved by the planning director.

(b) The tentative map shall be prepared in accordance with the Subdivision Map Act, and the provisions of this subdivision ordinance, and shall be filed with the planning department. The map shall be accompanied by a completed tentative map application and all required additional documentation. Such filing should be prior to the completion of final surveys of streets and lots, and before the start of any grading or construction work within the proposed subdivision.

(c) The tentative map shall be accompanied by reports and written statements from the subdivider giving essential information regarding the following subjects:

- (1) Proposed source of domestic potable water supply;
- (2) Type of street improvements and utilities which the subdivider proposes to install, including type of street lights;
- (3) Proposed method of sewage disposal;
- (4) Proposed method of storm water control;
- (5) Soils report (must be prepared by a registered civil engineer and be based upon adequate test borings);
- (6) Deed restrictions and protective covenants to be recorded, if any, to include minimum square footage of livable area for single-family residences. For condominium developments, a copy of the proposed homeowner's association documentation must also be provided;
- (7) Proposed landscaping plan, if any.

(d) Within sixty (60) days after the planning director has received the tentative map in proper form accompanied by a completed application, he shall schedule a public hearing before the planning commission at their next available meeting in order to present his report and recommendation. Failure to take said action shall be deemed approval.

(e) Within thirty days after the planning director has made a report to the commission on the tentative map, the commission shall take action on the map, and shall approve, conditionally approve, or disapprove the tentative map. (Ord. No. 97 -02, § 1.)

Sec. 23A.11. Vesting tentative map.

(a) Citation and authority. This section 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 (herein after referred to as the "vesting tentative map statute") and may be cited as the "vesting tentative map ordinance".

(b) Purpose and intent. It is the purpose of this section 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 section, the provisions of the subdivision ordinance shall apply to the vesting

tentative map ordinance. To accomplish this purpose, the regulations outlined in this chapter 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.

(c) Consistency. No land shall be subdivided and developed pursuant to a vesting tentative map for any purpose which is inconsistent with the general plan, any applicable specific plan, or not permitted by the zoning ordinance, or other applicable provisions of the Municipal Code.

(d) Application.

(1) This section shall apply only to residential development. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by the city of Brawley's 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.

(2) 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.

(e) Definitions.

(1) A "vesting tentative map" means a tentative map for a residential subdivision, as defined in the Brawley subdivision ordinance, that shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed in accordance with subsection (f) of this section. Filing and processing is thereafter processed in accordance with the provisions hereof.

(2) All other definitions set forth in the city of Brawley's subdivision ordinance are applicable.

(f) 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 of Brawley's subdivision ordinance for a tentative map except as hereinafter provided:

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

(2) At the time a vesting tentative map is filed, a subdivider shall also supply the following information:

- a. Boundary survey map prepared by a registered land surveyor, or a California registered engineer;

- b. Detailed improvement plans for all roads, streets, highways and ways in the proposed subdivision including the location, names, exact widths, curve radius and grades, typical sections and an indication as to whether the facility intended to be public or private. Details of curbs, gutters, sidewalks and other improvements shall be shown and shall be of such scale as to show clearly all details thereof;
- c. Precise drainage and flood control plans, including cross-section for all creeks, streams, channels and the like. All lot drainage, including easements required for lot-to-lot drainage and off-site drainage shall be addressed. Additionally, all proposed erosion control measures shall be included;
- d. Precise sewerage plans and a capacity study of the downstream collector sewer;
- e. Precise water supply plans;
- f. Final grading plans, showing existing and proposed grades, the extent of cut and fill, slope angle of all banks, spot elevations at the top of cuts and toe of retaining walls, and sections at lot lines and subdivision boundaries. Contour lines shall have one-foot intervals for zero to five percent cross slopes, and five-foot (maximum) intervals for over five percent cross slope. All grades and elevations shall be based on city datum. The scale shall be sufficiently large to show the details of the plan clearly (preferably on one inch equals one hundred feet);
- g. Landscaping plans including species, container size and irrigation and maintenance plans;
- h. A soils report based upon adequate tests and prepared by a registered civil engineer or registered engineering geologist which addresses and resolves all questions of stability and fault setbacks;
- i. A geological report based upon adequate tests and prepared by a registered civil engineer or registered engineering geologist which addresses and resolves all questions of stability and fault setbacks;
- j. Unless specifically deemed unnecessary by the city engineer, a traffic study prepared by a registered traffic engineer in the format requested by the city;
- k. All information deemed necessary to complete an initial study of environmental significance (Among the materials which could be required to satisfy this item are a noise study, a visual study and an archeological study based upon a site investigation. Other items can and will be required as necessary or appropriate in the circumstances present.);
- l. In the case of a map creating condominiums, townhouses, multifamily housing, a planned unit development (as defined in the city zoning ordinance), zero lot line parcels, reduced lot (sub-six-thousand-square-foot) single family detached

subdivisions, or where otherwise determined applicable by the planning director, the following additional material shall be required:

- (i) Proposed height, size and footprint of all buildings and precise building locations,
 - (ii) Architectural plans for all buildings including floor plans, elevations, perspectives as necessary to illustrate design concept, color and material samples and proposed signs,
 - (iii) Precise plan of all common areas including, location of sidewalks and walkways to serve all units, location of recreational and other common usage facilities, and an exterior lighting plan,
 - (iv) Precise plans of all individual lots including location of patios, fences and walkways,
 - (v) Precise plans of all garages, carports, parking spaces and loading spaces, as well as plans of any areas of common trash collection facilities, gang-type mailboxes and utility boxes,
 - (vi) Summary statement on net and gross densities, areas of public and private open space, coverage of land by structures, number and type of units, uses to which the buildings will be put, required and proposed number of parking and loading spaces, and maintenance of all common facilities,
- m. Signature of the engineer or surveyor who prepared the map;
 - n. Such additional information as may be required by the city planner; and
 - o. Precise phasing plan.

(g) Fees. Upon filing a vesting tentative map, the subdivider shall pay the fees required by the city of Brawley's schedule of fees for the filing and processing of a vesting tentative map.

(h) Expiration. The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, 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.

(i) Vesting on approval of vesting tentative map.

(1) The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards described in Government Code section 66474.2. However, if Section 66474.2 of the Government Code is repealed, the approval or conditional approval of a vesting

tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards in effect at the time the vesting tentative map is approved or conditionally approved.

(2) Notwithstanding subsection (i)(1), a permit approval, extension or entitlement may be made conditional or denied if any of the following are determined:

- a. 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;
- b. The condition or denial is required, in order to comply with state or federal law.

(3) 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 subsection (h) of this section. If the final map is approved, these rights shall last for the following period of time:

- a. An initial time period of one year from the date the final map is recorded in the office of the Imperial County recorder. 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.
- b. The initial time period set forth in subsection (i)(3)a. 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 thirty days, from the date a complete application is filed.
- c. A subdivider may apply to the planning commission for a one-year extension at any time before the initial time period set forth in subsection (i)(3)a. expires.
- d. If the subdivider submits a complete application for a building permit during the periods of time specified in subsections (i)(3)a. through (i)(3)c., the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit.
- e. A failure to comply with the time limits of subsections (i)(3)a. through (i)(3)c., shall result in a loss of rights accorded by the vesting map.

(j) Development inconsistent with zoning—Conditional approval.

(1) Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the zoning ordinance in existence at that time, that inconsistency shall be noted on the map. The city may deny such a vesting tentative map or approve it conditioned on the subdivider, or his or her designee, obtaining the necessary change in the zoning ordinance to eliminate the inconsistency. If the change in the zoning ordinance is obtained, the approved or conditionally approved vesting tentative map shall,

notwithstanding, confer the vested right to proceed with the development in substantial compliance with the change in the zoning ordinance and the map, as approved.

(2) The rights conferred by this section shall be for the time periods set forth in subsections (i)(3)a. through (i)(3)e. of this section.

(k) Compliance with local and state laws.

(1) This section does not enlarge, diminish or alter the types of conditions which may be imposed by the city on a development, nor in any way diminish or alter the power of any local agency to protect against a condition dangerous to the public health or safety.

(2) The rights conferred to this section shall relate only to the imposition by the city of conditions or requirements created and imposed by law or ordinance. Nothing in this section removes, diminishes or affects the obligation of any subdivider to comply with the conditions and requirements of any state or federal laws, regulations or policies and does not grant any local agency the option to disregard any state or federal laws, regulations or policies.

(l) Approval over an existing approved tentative map. Approval or conditional approval of a vesting tentative map over an existing approved tentative map (on the same piece or pieces of land) shall make null and void the previously existing approved tentative map. The denial of a vesting map shall not affect the prior approval or conditional approval of the tentative map.

(m) Modification. If the subdivider seeks to modify an approved or conditionally approved vesting tentative map, such modification shall be submitted to the planning commission. The planning commission shall hold a public hearing after which it shall make a recommendation to the city council. The city council shall hold a public hearing. After said hearing the city council may grant approval of said modification. If the city council approves the requested modification, the life of the vesting tentative map or any rights created thereby shall not be extended. In filing for a modification of a vesting tentative map, the subdivider shall pay the fees established for a vesting tentative map, established by the city council.

Sec. 23A.12. Final maps.

(a) Requirements for final maps.

(1) If more than three sheets are used, an index showing the entire subdivision with lots numbered consecutively shall be provided.

(2) Map contents shall be per planning department requirements.

(b) Preparation of final maps. After approval of a tentative map by the planning commission, the subdivider may cause a final map to be prepared in accordance with a completed final survey of the subdivision, and in compliance with all provisions of this ordinance and the Subdivision Map Act.

- (1) Size and material. The final map shall be of a size and material noted in the Subdivision Map Act.
- (2) Title sheets. Title sheets shall be drawn and contain information as required in the Subdivision Map Act.
- (3) Certificates. Forms for certificates required by the Subdivision Map Act and this chapter may be secured from the planning department.
- (4) Surveying data for lots. Surveying data shall be per Subdivision Map Act requirements.
- (5) Surveying data for final maps. The final map shall indicate the centerlines of all streets. The central angle or delta angle, tangent, radius and length of curve for all horizontal curves shall be noted. Each horizontal curve shall be numbered on the plan sheet. The numbered curve, with the corresponding horizontal curve components shall be listed in a curve data chart. The bearing of the radius lines of a horizontal curve shall be noted if those lines are used for closure calculations in determining property corners or verifying the area of the land parcel. The widths of streets, new dedications, existing dedications, easements, rights-of-way, and their centerlines shall be shown. Natural and man-made features such as drainage channels, railroads, bridges, irrigation canals, and rivers shall be shown. Surveys completed in connection with the preparation of subdivision maps shall be made in accordance with standard practices and principles for land surveying. A traverse of the boundaries of the subdivision and all lots and blocks shall close within a limit of error of one foot in ten thousand feet of perimeter.
- (6) Record of easements. The final map shall show the width of all easements to which the lots are subject. If the easement cannot be definitely located of record in the county recorder's office, a statement as to the nature of the easement shall appear on the title sheet. Easements for water lines, storm drains, sewer lines, and other utilities shall be denoted by broken lines. The width of the easement and the lengths and bearings of the lines thereof shall be clearly shown on the final map and sufficient survey data indicated to properly locate the easement. If the easement is already of record in the recorder's office, proper reference to the record shall be given. Easements being dedicated shall be so indicated in the certificate of dedication.
- (7) Existing monuments. The final map shall clearly show what existing monuments or other evidence was found on the ground to determine the boundaries of the subdivision. The corners of adjoining subdivisions or portions thereof shall be indicated on the final map and ties shown.
- (8) New monuments. In accomplishing the survey for a subdivision, the engineer or surveyor shall set sufficient permanent monuments so that the survey or any part thereof may be readily retraced. Such monuments shall generally be placed at all angle points and curve points on the exterior boundary lines of the subdivision, also at all points of intersection of street center lines and at all angle points and curve points on street center lines and at such other points as may be necessary to serve the above requirements. Monuments set at lot

corners will not be considered permanent. Permanent monuments shall be of a design specified by the city engineer. The character, type and positions of all monuments and covers shall be noted on the final map. All permanent boundary monuments shall be placed prior to filing the final map with the planning director for checking. Before checking the map, the planning director and city engineer shall satisfy themselves that all monuments shown thereon actually exist and that their positions are correctly shown.

(9) Established center lines of streets and alleys. Whenever the city engineer has established the center line of a street or alley, the data shall be considered in making the survey and in preparing a final map, and all monuments found shall be indicated and proper references made to field books or maps of public record relating to the monuments. If the points were reset by survey ties, that fact shall be stated on the final map. The final map shall show city boundaries crossing or adjoining the subdivision and such boundary lines shall be clearly designated.

(10) Lot numbers. All lots in a subdivision shall be numbered consecutively, commencing with the number one, with no omissions or duplications; provided, that where the subdivision is a continuation or second phase to an existing subdivision, the lot numbers may commence with the number immediately following the last or highest number of such existing subdivision, and in all other respects shall conform with the preceding requirements. Each lot shall be shown entirely on one sheet. Blocks may be used. They shall be consecutively numbered in the same manner as required for numbering lots.

(11) Requirements for grading plan and erosion control plan. Pursuant to the requirements of section 66411 of the Subdivision Map Act, each final map filed for checking by the planning department shall be accompanied by a grading plan and erosion control plan designed to prevent sedimentation and damage to off-site property. The grading plan and erosion control plan shall be approved by the city engineer.

(c) Procedure for approval of final maps. After the planning commission has approved or conditionally approved the tentative map, the subdivider may submit to the planning director the original final map and improvement plans and a duplicate tracing thereof drafted on good quality tracing cloth or polyester base film, accompanied by a completed application and the documentation required therein.

(1) Traverse sheets and field survey notes showing the closure, within the allowable limits of error, of the exterior boundaries of the subdivision of each irregularly shaped block and lot within the subdivision;

(2) Plans and specifications of the proposed off-site improvements, including a grading and erosion control plan, water study, sanitary sewer study and drainage study. Such improvement plans shall be accompanied by a cost estimate and the necessary bonds, cash deposit, letter of credit, or other improvement security authorized by the state Subdivision Map Act;

(3) A copy of the deed restrictions and protective covenants to be recorded;

- (4) The following information shall be shown on the final map:
- a. The total area of the subdivision,
 - b. The total area of the streets and alleys,
 - c. The total area in lots, and
 - d. The total area in parks, school sites and other land offered for dedication or reserved for future public or quasi-public use.

After receipt of the final map, and after the appropriate filing fees have been paid by the subdivider, the planning director shall examine the final map to ensure it meets all the conditions, if any, established by the planning commission during the tentative map approval process. The planning director shall examine the final map for completeness and ensure all required certificates and dedications are signed and acknowledged. After the final map has been examined by the planning director, it shall be transmitted to the city engineer, along with the improvement plans and grading plan, for his review and approval.

The city engineer shall review the final map and transmit his comments to the planning director within thirty (30) days of receiving the final map. If the final map and/or the improvement plans are found to be incomplete, they shall be returned to the subdivider accompanied by a letter from the city engineer stating what deficiencies need to be corrected before the final map and improvement plans can be considered for approval. The city council may only approve a final map that complies with its tentative map. No changes may be proposed.

(d) Dedications and improvements. All streets, alleys, and highways, and other parcels of land shown on the final map and intended for any public use shall be offered for dedication to the city. Dedications offered for future streets and alleys shall be designated on the final map as “dedicated for future street”, or other public facility, as the case may be.

The subdivider shall construct off-site improvements, or agree to construct off-site improvements, on all land dedicated for streets, highways, alleys, public ways, and easements, as a condition of approval of the final map. Such improvements shall include grading, asphalt surfacing of streets, alleys and highways, sidewalks, curbs, gutters, culverts, catch basins, bridges, storm drains, water mains, sanitary sewers, street lights, permanent subdivision monuments, and such other structures or improvements as set forth herein, or deemed by the city council to be necessary for the general use of the lot owners in the subdivision. Local neighborhood traffic and drainage needs shall be considered when improvement plans for subdivisions are designated by the subdivider or his engineer. All improvements shall be installed to grades approved by the city engineer. Plans, profiles, and specifications of proposed improvements shall be furnished to the planning director at the same time as the final map is filed. The planning director shall submit all improvement plans to the city engineer for approval.

All plans, profiles and specifications for the proposed improvements shall show full details and be designed to city standards or an alternate approved by the city engineer.

If such improvements are not completed satisfactorily before the final map is submitted for approval, the owner or owners of the subdivided property, as a condition of final map approval, shall enter into an agreement with the city council upon mutually agreeable terms to thereafter complete the off-site improvements within one year of final map approval at the subdivider's expense.

As security to assure that such improvements are constructed, the subdivider shall furnish security to the city council as follows:

- (1) Security for the faithful performance of such agreement in an amount equal to one hundred percent of the total estimated costs of such improvements;
 - (2) Security in an amount not less than one hundred percent of the total estimated costs of such improvements, securing payment to the contractor, subcontractors and to persons furnishing labor, materials, or equipment to them in the performance of the required improvements;
 - (3) Security in a sum equal to ten percent of the total estimated costs of such improvements for the guarantee and warranty of the work for a period of one year following the completion and acceptance of the improvements against any defective work or labor done, or defective materials furnished;
 - (4) Such security shall be of a type authorized by the Subdivision Map Act, as the same now provides or may be hereafter amended, at the option of and subject to the approval of the city council;
 - (5) The security required by this chapter and the Subdivision Map Act shall be released as provided for in the state Subdivision Map Act, as the same now provides or may be hereafter amended.
- (e) Minimum improvements required. The minimum improvements which the subdivider shall be required to construct or enter into bonded agreement to construct in the subdivision prior to the acceptance and approval of the final map by the city council shall be as follows:
- (1) Water mains and water connections to each lot;
 - (2) Sewer mains and sewer connections to each lot;
 - (3) Storm drainage facilities to 'provide for adequate drainage of the subdivision streets, alleys, and highways;
 - (4) Grading and paving of streets, alleys, and highways located within and adjacent to the boundaries of the subdivision;

- (5) Curbs, gutters, and sidewalks;
- (6) Street lighting;
- (7) Permanent subdivision boundary monuments and other permanent monuments required by the city engineer;
- (8) Fire hydrants at locations recommended by the fire chief. (Ord. No. 97-02, § 1.)

Sec. 23A.13. Permits not to be issued to violators.

No building permits or other permits of any kind shall be issued to any applicant which pertains to any property or properties which have been subdivided in violation of the provisions of this ordinance. (Ord. No. 97-02, § 1.)

Sec. 23A.14. Voidability of deeds or contracts violating the provisions of the subdivision ordinance.

Any deed of conveyance, sale or contract to sell real property made contrary to the provisions of this ordinance is voidable at the sole option of the grantee, buyer, or person contracting to purchase, his heirs, personal representative, or trustee in insolvency or bankruptcy within one year after the date of execution of the deed of conveyance, sale or contract to sell, but the deed of conveyance, sale or contract to sell is binding upon any assignee or transferee of the grantee, buyer, or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor or person contracting to sell, or his assignee, heir, or devisee. (Ord. No. 97-02, § 1.)

Sec. 23A.15. Violations--Penalties.

Any offer to sell, contract to sell, sale or deed of conveyance of real property made contrary to the provisions of this ordinance is a misdemeanor, and any person, firm or corporation, upon conviction thereof, shall be punishable by a fine of not less than twenty-five dollars and not more than five hundred dollars, or imprisonment in the county jail for a period of not more than six months or by both such fine and imprisonment. (Ord. No. 97-02, § 1.)

Section 23A.16. Undergrounding of utilities.

(a) Utility facilities, with connections provided within the subdivision to each lot, adequate to supply communications, electricity, gas, sewer, and water service to the subdivision, shall be constructed and installed therein for the purpose of supplying such services to the subdivision.

(b) All communications (telephone) and electrical distribution lines installed in and for the purpose of supplying any communication or electrical service in the subdivision, including cable television lines installed in the subdivision, shall be placed underground except as follows:

- (1) Transformers, pedestals, terminals boxes, meter cabinets, concealed ducts, and other facilities necessarily appurtenant may be situated above ground if they are used solely for the purpose of providing service within the subdivision and are used solely in connection with the underground distribution lines;

- (2) General transmission, sub-transmission, long distance, trunk or feeder lines may be situated above the surface of the ground when such lines are not used as individual subdivision distribution lines. Location of such lines shall be approved by the serving utility and the city engineer;
- (3) Poles supporting street lights and the electrical lines inside the poles may be situated above ground;
- (4) After conducting a public hearing the planning commission may waive the undergrounding requirements of this section, in whole or in part, if it finds that topographical, soil, or other conditions or circumstances make underground installation of the facilities unreasonable or impracticable;
- (5) After consideration of the staff report, the planning commission may waive the requirements for undergrounding utilities, in whole or in part for industrial subdivisions;
- (6) In those cases where the requirement for underground utilities has been waived, then easements for overhead pole lines shall be provided at the rear of all lots, except where alleys are available or where the requirement is waived by the planning commission;
- (7) The waiver by the planning commission of the requirements of this section for one portion of a subdivision shall not affect the requirements for the balance of that subdivision. (Ord. No. 97-02, § 1.)

Sec. 23A.17. Dedication of land for park and recreational facilities—Purpose.

The ordinance codified in sections 23A.17 through 23A.29 is enacted pursuant to the authority granted by sections 66418, 66477 and 66479 of the Government Code of the state of California. The park and recreational facilities for which dedication of land and/or payment of a fee is required by sections 23A.17 through -23A.29 are in accordance with the recreational element of the general plan of the city, adopted by the city on August 5, 1974. (Ord. No. 97-02, § 1.)

Sec. 23A.18. Dedication of land for park and recreational facilities—Condition of approval for final map.

As a condition of approval of a final subdivision map, the subdivider shall dedicate land, pay a fee in lieu thereof, or both, at the option of the city, for park or recreational purposes at the time and according to the standards and formula contained in sections 23A.17 through 23A.29. (Ord. N6. 97-02, § 1.)

Sec. 23A.19. Dedication of land for park and recreational facilities—General standard.

It is found and determined that the public interest, convenience, health, welfare and safety require that five acres of property for each one thousand persons residing within this city be devoted to local park and recreational purposes. (Ord. No. 97-02, § 1.)

Sec. 23A.20. Standards and formula for a dedication of land.

Where a park or recreational facility has been designated in the general plan of the city, and is to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall dedicate land for a local park sufficient in size and topography to serve the residents of the subdivision. The amount of land to be provided shall be determined pursuant to the following standards and formula:

The formula for determining acreage to be dedicated shall be as follows:

$$\text{Average No. of Persons/Unit} \div \text{by } \frac{1,000 \text{ population}}{\text{park acreage standard}}$$

(Example for single-family DU: $3.6 \div 1,000 = .018 \text{ ac. /U}$)

The following table of population density is to be followed:

<u>Park Land Dedication Formula Table</u>			
<u>Types of Dwellings</u>	<u>Average Density/DU</u>	<u>Density Range</u>	<u>Acreage/DU 5 ac. Std.</u>
Single-family	3.6	3.3 and up	.0180
Duplex; medium low	3.1	3.0 - 3.2	.0155
Cluster, medium	2.8	2.6 - 2.9	.0140
Cluster, medium-high	2.3	2.2 - 2.5	.0115
Apartments	1.8	1.5 - 2.1	.0090

Dedication of the land shall be made in accordance with the procedures contained in section 23A.27. (Ord. No. 97-02, § 1.)

Sec. 23A.21. Formula for fees in lieu of land dedication.

(a) General formula. If there is no park or recreational facility designated in the Brawley general plan to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall, in lieu of dedicating land, pay a fee equal to the value of the land prescribed for dedication in section 23A.20 and in an amount determined in accordance with the provisions of section 23A.23, such fee to be used for a local park which will serve the residents of the area being subdivided.

(b) Fees in lieu of land—Fifty parcels or less. If the proposed subdivision contains fifty parcels or less, the subdivider shall pay a fee equal to the land value of the portion of the local park required to serve the needs of the residents of the proposed subdivision as prescribed in section 23A.20 and in an amount determined in accordance with the provisions of section 23A.23, unless the planning commission determines otherwise.

(c) Use of money. The money collected hereunder shall be used only for the purpose of providing park or recreational facilities reasonably related to serving the subdivision by way of the purchase of necessary land' or, if the city council deems that there is sufficient land available for the subdivision, for improving of such land for park and recreational purposes. (Ord. No. 97-02, § 1.)

Sec. 23A.22. Criteria for requiring both land dedication and fee.

In subdivisions of over fifty lots, the subdivider shall both dedicate land and pay a fee in lieu thereof in accordance with the following formula:

- (1) When only a portion of the land to be subdivided is proposed in the Brawley general plan as the site for a local park, such portion shall be dedicated for local park purposes and a fee computed pursuant to the provisions of section 23A.23 shall be paid for any additional land that would have been required to be dedicated pursuant to section 23A.20, unless the planning commission determines otherwise;
- (2) When a major part of the local park or recreational site has already been acquired by the city and only a small portion of land is needed from the subdivision to complete the site, such remaining portion shall be dedicated and a fee computed pursuant to the provisions of section 23A.23 shall be paid in an amount equal to the value of the land which would otherwise have been required to be dedicated pursuant to section 23A.20, such fees to be used for the improvement of the existing park and recreation facility or for the improvement of other local parks and recreational facilities in the area serving the subdivision. (Ord. No. 97-02, § 1.)

Sec. 23A.23. Amount of fee in lieu of land dedication.

Where a fee is required to be paid in lieu of land dedication, the amount of such fee shall be based upon the fair market value of the amount of land which would otherwise be required to be dedicated pursuant to section 23A.20. The fee shall be paid pursuant to the provisions contained in section 23A.27. The fair market value shall be determined at the time of filing the tentative map. (Ord. No. 97-02, § 1.)

Sec. 23A.24. Land dedication for subdivisions not within the general plan.

Where the proposed subdivision lies within an area not then but to be included within the city general plan, the subdivider shall dedicate land; pay a fee in lieu thereof, or both, in accordance with the adopted park and recreational principles and standards of the city general plan and in accordance with the provisions of sections 23A.17 through 23A.29. (Ord. No. 97-02, § 1.)

Sec. 23A.25. Determination of land dedication or fee—Criteria.

Whether the planning commission accepts land dedication or elects to require payment of a fee in lieu thereof, or a combination of both, shall be determined by consideration of the following:

- (1) Recreational element of the city's general plan;
- (2) Topography, geology, access and location of land in the subdivision available for dedication;
- (3) Size and shape of the subdivision and land available for dedication;
- (4) The feasibility of dedication;

- (5) Compatibility of dedication with the Brawley general plan; and
- (6) Availability of previously acquired park property.

The determination of the planning commission as to whether land shall be dedicated, or whether a fee shall be charged, or a combination thereof, shall be final and conclusive. (Ord. No. 97-02, § 1.)

Sec. 23A.26. Credit for private open space.

No credit shall be given for private open space in a subdivision. (Ord. No. 97-02, § 1.)

Sec. 23A.27. Procedure for land dedication.

At the time of approval of the tentative subdivision map, the planning commission shall determine pursuant to section 23A.25 the land to be dedicated and/or fees to be paid by the subdivider.

At the time of the filing of the final subdivision map, the subdivider shall dedicate the land and/or pay the fees as previously determined by the city council.

Open space covenants for private park or recreational facilities shall be submitted to the city prior to approval of the final subdivision map and shall be recorded contemporaneously with the final subdivision map. (Ord. No. 97-02, § 1.)

Sec.23A.28. Commencement of park or recreational facilities.

At the time of approval of the final subdivision map, the planning director shall specify when development of the park or recreational facilities shall be commenced. (Ord. No. 97-02, § 1.)

Sec.23A.29. Industrial and commercial subdivisions not included.

The provisions of Sections 23A.17 through 23A.29 shall not apply to industrial or commercial subdivisions. (Ord. No. 97-02, § 1.)

Sec.23A.30. Filing Fees.

The subdivider shall, upon filing maps for approval by the city, pay fees to the city for the cost of processing such maps. (Ord. No. 97-02, § 1.)

Sec.23A.31. Plan checking fees.

The following plan checking fees for review and approval of subdivision off-site improvement plans are to be charged to all subdividers and developers constructing development projects in the city:

Fees: 1.5 percent of the approved estimated construction costs of off-site improvements as determined by the city engineer.

The above listed fees shall be paid at the time the improvement plans are submitted to the city engineer for review. (Ord. No. 97-02, § 1.)

Sec.23A.32. Requirements for tentative parcel maps, tentative tract maps, and final maps.

Prior to any action being taken on a tentative parcel map or tentative tract map by either the planning commission or planning director, a public hearing shall be noticed and conducted as per the requirements of the Government Code. Any action taken by the city council on a final map shall be conducted as a regularly scheduled or consent agenda item on the city council agenda. No public hearing shall be required for the processing of a final map. (Ord. No. 97-02, § 1.)

Sec.23A.33. Off-site improvements –Inspection fees.

(a) Inspection Fees. Inspection fees shall be charged at rates per inspection as determined by resolution for the following inspections of subdivision off-site improvements:

- (1) Inspection of sanitary sewer main and laterals, including manholes and cleanouts;
- (2) Inspection of water main, valves and service connections to individual lots;
- (3) Inspection of street and alley finished grade and base material prior to asphalt paving;
- (4) Inspection of finished street and alley surface paving;
- (5) Inspection of sanitary sewer lift station or pump station;
- (6) Inspection of curb and gutter forms prior to concrete pouring;
- (7) Inspection of storm drains and catch basins;
- (8) Inspection of verifications of home site pad elevations;
- (9) Inspection of street lights, traffic control signs, and fire hydrants;
- (10) Inspection of sidewalks;
- (11) Final inspection and acceptance.

(b) Inspection fees. Inspection fees shall be set by resolution of the city council and modified from time to time by resolution of the city council.

(c) Required inspections. The above listed inspections in subsection (a) shall be required for all subdivisions constructed in the city.

(d) Permit and approval requirements. Prior to the start of any construction activity for subdivision off-site improvements, the subdivider shall first have the plans and specification for the work approved by the city engineer. Before the construction permit is issued, the subdivider shall pay all inspection fees for the various inspections required under subsection (a) of this section and schedule a pre-construction meeting with the city engineer. The pre-construction meeting may be waived by the city engineer.

(e) Notification requirements. The developer, builder, or contractor shall notify the city engineer at least forty-eight hours in advance of requesting any inspection.

(f) Reinspection fees. If the reinspection of an item is required, either due to defective construction, or due to the failure of the developer to be ready for an initial inspection, a reinspection fee as determined by resolution will be assessed. The reinspection fee shall be in addition to all fees previously paid. (Ord. No. 97-02, § 1.)

