

ORDINANCE NO. 03-15

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF ORANGE AMENDING AND RESTATING
CHAPTER 16.32 OF THE ORANGE MUNICIPAL
CODE RELATING TO LOT LINE ADJUSTMENTS.**

WHEREAS, Section 66412 of the Government Code of the State of California has been revised to prohibit landowners from using lot line adjustments to reconfigure more than four parcels of land. Rather than permitting lot line adjustments between two or more existing adjacent parcels, lot line adjustments are now limited to four or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created; and

WHEREAS, in addition, the new parcels resulting from a lot line adjustment must comply not only with zoning and building ordinances but also with the local general plan and any applicable coastal plan; and

WHEREAS, the City Council desires to conform the procedures for processing lot line adjustments in Chapter 16.32 of the Orange Municipal Code with the requirements of Section 66412 of the Government Code of the State of California; and

WHEREAS, the City Council desires to clearly establish procedures and criteria for approving a lot line adjustment; and

WHEREAS, the City Council desires to establish a simplified process whereby lot line adjustments are approved by the City Engineer in consultation with the Community Development Director, rather than by the City Council as the Orange Municipal Code currently requires.

NOW, THEREFORE, the City Council of the City of Orange does hereby ordain as follows:

SECTION I:

Chapter 16.32 of the Orange Municipal Code is hereby deleted in its entirety and replaced with the following new Chapter 16.32, to read in full as follows:

Chapter 16.32

LOT LINE ADJUSTMENTS

Sections:

16.32.010 - Definition.

16.32.020 - Criteria for Acceptance of Proposed Project.

16.32.030 - Application Requirements.

16.32.040 - Review Process.

16.32.050 - When Application is Denied.

16.32.060 - Appeals.

16.32.010 - Definition.

A LOT LINE ADJUSTMENT is for the adjustment of property boundaries between four or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel and where a greater number of parcels than originally existed is not thereby created.

16.32.020 - Criteria for Acceptance of Proposed Project.

Notwithstanding any other provisions of this title to the contrary, the procedure set forth in this chapter shall govern the processing of, and requirements for, lot line adjustments. A lot line adjustment may be filed in accordance with the provisions of this chapter to adjust the boundaries between four or fewer adjoining parcels, provided the City Engineer determines that the proposed lot line adjustment:

- A. Does not create a greater number of lots or parcels than originally existed;
- B. Involves an adjustment between four or fewer existing adjoining lots or parcels;
- C. Does not impair any existing access or easements or create a need for any new access or easements serving adjacent lots or parcels;
- D. Conforms to the City's General Plan, any adopted Specific Plan, the Zoning Ordinance, and the City's building codes, including lot frontage, depth, area, access, setbacks, lot coverage and parking;
- E. Does not cause existing uses of the property to be out of compliance with any provisions of the Orange Municipal Code;
- F. Does not require relocation of existing public improvements or create a need for a new public improvement;
- G. Complies with the requirements of the California Environmental Quality Act.

16.32.030 - Application Requirements.

The following items shall be submitted to the City Engineer when applying for a lot line adjustment:

- A. Application for lot line adjustment, filled out completely and signed by record owners of all parcels involved in proposed project;
- B. A copy of the grant deed for each parcel setting forth a full legal description and showing names of the present record owner;
- C. New legal descriptions and corresponding revised deeds for proposed parcels;
- D. An original lot line adjustment map, prepared by a registered civil engineer or licensed land surveyor, in a form that is clear and legible, drawn in black ink; and containing the following information:
 1. Map scale and north arrow;
 2. Location of the project site in relation to existing streets and the distance to the nearest cross street;
 3. The existing and proposed lot layout, using a heavy solid line for project boundary, light dashed lines for existing property lines to be adjusted, and solid lines for proposed property lines;
 4. Bearings and distances for all parcel lines;
 5. A number for each parcel and the gross and net area of each parcel; net area equals the gross area minus any easements that restrict surface use of the property, such as vehicular, pedestrian or equestrian easements; and
 6. Any other information as may be required by the City Engineer;
- E. A site plan map prepared using the lot line adjustment map referenced in Subparagraph D of this Section as a base, including the following information:
 1. Location and width of all existing easements or rights-of-way, whether public or private, and indicate to whom easement is granted to;
 2. Location of any aboveground or underground structures on the site, labeling distances from proposed property lines to structures; if there are no structures on the lots proposed for adjustment, a note shall be included on the map stating that fact;
 3. Any other information as required.

F. Any processing fees set forth in the City's master schedule of fees and charges.

16.32.040 - Review Process.

The following steps shall be followed for the review and approval of a lot line adjustment application:

- A. The City Engineer shall determine the completeness of the application within thirty (30) days of its submittal.
- B. Once the application has been determined complete, the City Engineer shall forward the lot line adjustment request to the Community Development Director for review and comment. The Community Development Director shall review the application and related documents to verify compliance with the general plan, zoning and building ordinances and with established policies and procedures of the City. The Community Development Director shall recommend to the City Engineer approval or denial of the application based on the criteria outlined in this Section. Within forty-five (45) days of a determination that the application is complete, the City Engineer shall either approve the lot line adjustment or deny the lot line adjustment based on the criteria outlined in this Section. The applicant shall be notified in writing of the City Engineer's action.
- C. After a lot line adjustment has been approved, the lot line adjustment shall be recorded in the office of the County Recorder for the County of Orange. A copy of the recorded lot line adjustment shall be submitted to the City Engineer.
- D. New grant deeds which reflect the new lot line adjustment shall be prepared and executed. The new grant deeds shall be recorded in the office of the County Recorder for the County of Orange. Copies of the deeds shall be submitted to the City Engineer.
- E. The approval of a lot line adjustment shall expire and become void if the lot line adjustment has not been completed as required by this Section within 12 months of approval.

16.32.050 When Application is Denied.

When a lot line adjustment is denied, the applicant shall be notified of the City Engineer's decision within 45 days from the date the application is deemed complete. The applicant shall be given the opportunity to correct the map. The applicant may file a revised lot line adjustment application along with any additional fees required.

Failure to file a revised lot line adjustment within six months from the date of the denial of the original application shall terminate all proceedings.

16.32.060 Appeals.

The applicant, any interested person, or member of the City Council may appeal to the City Council the decision of the City Engineer. All appeals shall be submitted and acted upon in the manner prescribed for appeals of actions as specified in Section 66452.5 of the California Government Code.

SECTION II:

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any 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 and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION III:

A summary of this Ordinance shall be published and a certified copy of the full text of this Ordinance shall be posted in the Office of the City Clerk at least five days prior to the City Council meeting at which this Ordinance is to be adopted. A summary of this Ordinance shall also be published once within 15 days after its passage in a newspaper of general circulation in the City of Orange. The City Clerk shall post in the Office of the City Clerk a certified copy of the full text of the adopted Ordinance along with the names of those City Council members voting for and against the Ordinance in accordance with Government Code Section 36933.

ADOPTED this 12th day of May, 2015.



Teresa E. Smith, Mayor, City of Orange

ATTEST:



Mary E. Murphy, City Clerk, City of Orange

STATE OF CALIFORNIA)
COUNTY OF ORANGE)
CITY OF ORANGE)

I, MARY E. MURPHY, City Clerk of the City of Orange, California, do hereby certify that the foregoing Ordinance was introduced at the regular meeting of the City Council held on the 14th day of April, 2015, and thereafter at a regular meeting of said City Council duly held on the 12th day of May, 2015, was duly passed and adopted by the following vote, to wit:

AYES: COUNCILMEMBERS: Alvarez, Whitaker, Smith, Murphy, Nichols
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None



Mary E. Murphy, City Clerk, City of Orange