

Article 1:

GENERAL PROVISIONS

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Sec. 9-2.0100:

Authority

This Title is adopted pursuant to Article XI, Section 7 of the California Constitution to supplement and implement the California Subdivision Map Act, Section 66410 et seq. of the Government Code and may be cited as the Subdivision Ordinance of the City of Ontario.

Sec. 9-2.0105:

Purpose

The purpose of this Title is to provide the City with legal authority for the review of the design and improvement of subdivisions and the processing of any proposed subdivision, reconfiguration and/or consolidation of land within the City of Ontario to the extent authorized by the California Subdivision Map Act.

Sec. 9-2.0110:

Scope and Applicability

Except as specifically excluded by the Subdivision Map Act, or this Chapter the provisions of this Chapter shall apply to any division of real property wholly or partially within the incorporated area of the City, and shall govern the filing, processing, approval, conditional approval or disapproval of tentative tract maps, final maps, tentative parcel maps, and parcel maps and any modifications thereof. Except as otherwise provided in this Chapter and in the Subdivision Map Act, all subdivisions shall be subject to the same substantive and procedural requirements. Subdivisions and incorporated territory adjacent to the City shall be subject to these provisions to the extent permitted and as provided by Government Code Section 66454 of the State of California.

Sec. 9-2.0115:

Exceptions

This title shall not apply to:

- A. The financing or leasing of apartments, offices, stores or similar space within apartment buildings, industrial buildings, commercial buildings, mobile home parks or trailer parks;
- B. Mineral, oil or gas leases;
- C. Land dedicated to cemetery purposes under the California Health and Safety Code;

- D. Lot line adjustments between two or more existing adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where no new parcels are created, provided that subject to the provisions of Section 66412(d) of the Subdivision Map Act, the lot line adjustment is approved pursuant to Article 5 of this Chapter.
- E. Any separate assessment under Section 2188.7 of the California Revenue and Taxation Code;
- F. The financing or leasing of any parcel of land, or any portion thereof, in conjunction with the construction of commercial or industrial buildings on a single parcel, unless the project is not subject to review under other City ordinances regulating design and improvement;
- G. The financing or leasing of existing separate commercial or industrial buildings on a single parcel;
- H. The construction, financing or leasing of dwelling units pursuant to Section 65852.1 or second units pursuant to Section 65852.2 of the California Government Code; but this Title shall apply to the sale or transfer, but not the leasing of those units;
- I. Leasing of agricultural land for agricultural purposes, meaning the cultivation of food or fiber, or the grazing or pasturing of livestock;
- J. Subdivision of four parcels or less for construction or removable commercial buildings having a floor area of less than 100 square feet.
- K. Any other mandatory exceptions to the applicability of the Subdivision Map Act, as provided in the Subdivision Map Act

Sec. 9-2.0120:**Review and Approval Authority of Advisory Agencies**

The authority for review and approval of subdivisions and related land actions is as follows:

Table 1-1: Review and Approval Authority

TYPE OF ACTION	REVIEW AUTHORITY	APPROVAL AUTHORITY
Tentative Maps	City Staff & Other Responsible Agencies	Planning Commission
Vesting Tentative Maps	City Staff & Other Responsible Agencies	Planning Commission
Tentative Parcel Maps	City Staff & Other Responsible Agencies	Planning Commission
Tentative Map Extensions	City Staff & Other Responsible Agencies	Planning Commission
Final Parcel Maps (4 or less residential lots)	City Staff & Other Responsible Agencies	City Engineer
Final Parcel Maps (5 or more residential lots; all others)	City Staff & Other Responsible Agencies	City Council
Waivers of Parcel Maps	City Staff & Other Responsible Agencies	City Engineer
Reversion to acreage	City Staff & Other Responsible Agencies	City Council
Lot and Parcel Mergers	City Staff & Other Responsible Agencies	Planning Commission
Lot Line Adjustments	City Staff & Other Responsible Agencies	City Engineer

Sec. 9-2.0125:

Conformance to General Plan, Specific Plans, and Zoning Regulations

No land shall be divided and developed for any purpose which is not in conformity with this Title and with the Ontario General Plan, any applicable specific plan, the Development Code, or regulatory ordinance of the City.

The type and intensity of land use as shown on the General Plan and any applicable Specific Plan shall determine, together with the requirements of the California Subdivision Map Act and this Chapter, the type of streets, roads, highway, utilities and public services that shall be provided by the subdivider.

Sec. 9-2.0130:

Severability

If any provision of the ordinance codified in this Section or the application thereof to any person or circumstances is held to be invalid the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Sec. 9-2.0135:

Conditions of Land Use Approval

As a condition of the approval of a subdivision, the subdivider shall defend, indemnify and hold harmless the City, its elected officials, agents, officers, and employees from any claim, action, or proceeding filed against the City, its elected officials, agents, officers and employees to attack, set aside, void, or annul an approval by the City, its advisory agencies, appeals boards or the City Council concerning a subdivision, which action is brought within the time period provided in California Government Code §66499.37. Upon receipt of any such claim, action, or proceeding, the City shall promptly notify the subdivider and shall cooperate fully in the defense.

The subdivider shall further agree to reimburse the City for any attorney's fees and costs which the City may be required to pay as a result of any claim, action, or *proceeding* filed against the City resulting from approval by the City, its advisory agencies, appeal boards or the City Council.

Nothing in this section shall be construed to prohibit the City from participating in the defense of any claim, action, or proceeding if:

1. The City bears its own attorney's fees and costs;
2. The City defends the action in good faith; and
3. The subdivider is not required to pay or perform any settlement unless the settlement is approved by the subdivider.

Sec. 9-2.0140:

Lease Projects, Condominiums and Community Apartment Projects

Provisions of this code which except or exempt a subdivider from complying with a design, improvement, dedication or fee requirement, or which provide for the waiver of such a requirement because of the size of parcels resulting from a subdivision shall not be construed to apply to lease projects, condominiums, or community apartment projects.

Sec. 9-2.0145:

Public Hearing Notice

Whenever a public hearing is held pursuant to this Chapter, notice of hearing shall be in accordance with California Government Code §66451.3.

Sec. 9-2.0150:

Fees and Deposits

All applicants submitting maps as required by this Title shall pay all fees and/or deposits as provided by this Title and by City Council resolution establishing applicable fees and deposits.

Sec. 9-2.0155:

Violation – Penalty

A violation of Subdivision Map Act shall be punishable in accordance with California Government Code §66499.31. Any violation of this Section which is not also a violation of the Subdivision Map Act or by any other state statute is a misdemeanor, punishable by a fine of not more than \$10,000 or by imprisonment in the County Jail for not more than one year or by both such fine and imprisonment.