

II. CITY POLICY, STANDARDS, AND OTHER REGULATIONS

A. INTRODUCTION

In the planning and development process, a myriad of regulations and documents exert their influence. These are the primary planning and regulatory tools of the City, consisting of the General Plan, the Municipal Code (including the Zoning Code, Subdivision Ordinance, and other titles and ordinance), improvement standards, and the State Subdivision Map Act. Through the General Plan, the City has adopted policies that regulate all development. These policies are implemented through the regulations established in the Municipal Code, the document that translates General Plan policies into specific and quantified action. The City's improvement standards govern the construction and design of all public facilities, while the Subdivision Map Act affects the built environment by determining the layout and design of new parcels. A brief overview of these documents is provided below to clarify how each plays a role in the planning process and everyday action of the City.

B. GENERAL PLAN

The General Plan is the City's constitution for future development. It functions as the City's primary policy document. It establishes a vision for the City to work towards, and delineates key policies to implement that vision. All cities and counties in the State of California are required to adopt a General Plan.

The General Plan consists of seven mandatory elements:

- a) The Land Use Element focuses on the distribution of land uses.
- b) The Circulation Element focuses on all transportation improvements and related infrastructure is needed to support the distribution of land uses in the Land Use Element.
- c) The Housing Element identifies the existing housing stock, housing needs, and provides a strategy for providing housing stock for all income levels.
- d) The Conservation Element addresses the conservation of natural resources, including agriculture, endangered species, water, and air quality. The topics covered are determined by the unique circumstances of each jurisdiction.
- e) The Open-Space Element addresses the preservation of land and open space. It is closely related to the Conservation Element.
- f) The Noise Element addresses noise levels and problems in the jurisdiction, and provides strategies to minimize the detrimental impact of noise.
- g) The Safety Element addresses natural hazards a jurisdiction is vulnerable to and establishes ways to reduce their negative impact on the community.

The General Plan must be internally consistent, achieving consistency both within elements and between elements. All elements hold the same legal weight. While the General Plan must include each of these seven elements, elements may be combined for simplicity or ease of use. The City may also include optional elements in the General Plan. While optional elements are not required by State law, once they are adopted by a City, optional elements are as legally binding and valid as the required elements.

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The City uses the General Plan as part of its decision making process in reviewing requests for new development during the planning and entitlement process (see Chapter III). The City also uses the General Plan as the policy guide during the development of new or updating of existing regulations in the Municipal Code, Improvement Standards, and other documents.

C. MUNICIPAL CODE

The General Plan is the City's primary policy document. To implement General Plan policy, the City must rely on the Municipal Code. Within the Municipal Code are several titles that address a range of topics from business licenses to tentative and final map processes, from zoning regulations to floodplain protection.

C.1 BUSINESS LICENSE (TITLE 5)

The City has established requirements for business licenses that are intended solely to raise revenue for municipal purposes and not for regulation of business. All businesses, trades, professions, and occupations identified in the Municipal Code are required to pay license taxes. These license taxes must be paid to lawfully carry on or transact business in the City. To obtain a business license, an individual must first submit to the City collector a copy of his tax permit or sellers permit, as identified in the Revenue and Tax Code Section 6067. A separate license is required for each branch location of the business, and for each separate type of business at the same location. The license only provides authorization to carry on business as designated in the business license.

Once a business license is obtained, it must be posted in a conspicuous location on the premises where the business is conducted. If the licensee does not conduct business in a fixed location, he is required to keep it upon his person at all times while conducting the business for which it is issued.

C.2 HEALTH AND SAFETY (TITLE 8)

Regulations in the Municipal Code ensure the safety of the community, and regulate the creation of public nuisances that may create substantial risks to public health, safety, or welfare. City regulations apply to the growth of weeds on any public streets or sidewalks or on private property. Weeds that bear seeds of a downy nature or because of their size create a fire hazard are considered a public nuisance. These regulations do not pertain to the cultivation of pastures or useful grasses, unless so determined by the Fire Chief. The Municipal Code requires the minimization of fire risk through the mowing of weeds, use of wood chips, or maintenance of a firebreak. Waste matter that is unsightly, interferes with fire suppression, or creates a public nuisance is also regulated by the City. Waste matter includes any unused or discarded material with no market value that is not concealed from public view and exposed to the elements, such as rubble, crates, cartons, and vehicle bodies and parts. The City may issue a Notice to Clean Premises if there is a presence of waste matter on any property, which requires the property owner to remove the nuisance. If the owner fails to comply within the time limits established in the Municipal Code, the City will remove the nuisance at the expense of the property owner.

C.3 STREET CONSTRUCTION STANDARDS (TITLE 12)

To ensure that the City's street network is safe and integrated, the City provides clear regulations in the Municipal Code that govern the design and construction of streets. These regulations are used not just for the public construction of streets, but also as guidelines for the private

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construction of streets that will later be dedicated for public use and City maintenance. Regulations establish requirements for street alignment, turning radii, street widths and grade. Specifications for intersections and driveways are also provided. Furthermore, the Municipal Code establishes guidelines for street construction, including required materials and road mixing requirements.

C.4 PUBLIC SERVICES (TITLE 13)

The City is responsible for the provision of public services and, more specifically, the provision of sewage services, as established in Title 13 of the Municipal Code. However, to ensure delivery of these services and that the City has adequate capacity to provide continued service, the Municipal Code provides regulations that govern sewers and sewer connections. To construct any type of sewer or connect to a public sewer, one must first obtain a permit from the City and pay any applicable fees. The Municipal Code provides regulations for sewer construction, sewer maintenance, grade, cleanouts, and sewer connections. Regulations also govern the provision of sewers in subdivisions, provisions for easements and rights-of-way for extension of sewers. The City has also adopted requirements for sewer financing and improvement security. Provisions are in place for the City to provide monetary compensation to those who construct oversized sewers or sewers that will serve other residents.

C.5 BUILDINGS AND CONSTRUCTION (TITLE 15)

To receive a building permit for any construction project, the Building Official and other relevant agencies will review the project against all relevant building standards. The City has adopted building standards in Title 15 of the Municipal Code and has also adopted the following building codes by reference:

- a) 2007 California Administrative Code
- b) 2007 California Building Code
- c) 2007 Uniform Housing Code
- d) 2007 California Electrical Code
- e) 2007 California Plumbing Code
- f) 2007 California Energy Code
- g) California Historical Building Code
- h) 2007 California Fire Code, incorporating the 2006 International Fire Code
- i) 2007 California Existing Building Code, based on the 2006 International Existing Building Code
- j) Referenced Standards Code
- k) 1997 Uniform Code for Abatement of Dangerous Buildings
- l) California Mechanical Code
- m) 1976 Uniform Sign Code

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The standards provided in these regulations are used by the City to assess all new construction and determine whether proposed projects are in compliance with City standards. Chapter VII, Building Permits, of this manual provides further information about the building permit application process.

C.6 ZONING CODE (TITLE 17)

In the planning process, the Zoning Code (Title 17 of the Municipal Code) is one of the most important regulatory tools available. The Zoning Code is subservient to the General Plan; it exists solely to implement the General Plan and to translate broad policy into specific regulations that the City can enforce.

Zoning consists of dividing all land within a jurisdiction into districts and then applying different regulations in each district. All land within a jurisdiction must be placed in a district, and the regulations for each district are applied uniformly and consistently to all properties within that district. There are three types of zoning regulations:

- a) Those that regulate the allowed uses in each district (e.g., residential, commercial, industrial);
- b) Those that regulate the allowed buildable area of parcels in each district by creating height limitations, setbacks, and other dimensional regulations;
- c) Those that regulate the performance of parcels in each district by establishing standards for aspects of the site such as landscaping or parking.

Zoning gives the City the power to regulate the use of private property for the public good. This is a manifestation of the City's police power, a power delegated to states by the U.S. Constitution, and delegated to cities in California by the State Constitution.

The Zoning Code is required to include a Zoning Map that illustrates the zoning district of each parcel.

A copy of the Zoning Code is available for review and use on the City's website and at City Hall. A copy of the Zoning Map is available at City Hall. Information on zoning designations on individual property is available through public request by calling the Planning Department at 209.274.2412 x104.

C.7. FLOODPLAIN MANAGEMENT (TITLE 18)

The City has adopted regulations to protect the public health, safety, and welfare of the community through the establishment of floodplain management regulations. These regulations pertain to any area subject to flood hazards, defined by the City as any area that is subject to the periodic inundation of water that results in the loss of life and property, health and safety hazards, disruption of commerce and governmental services, or other destruction that results in extraordinary public expenditures. These areas are also defined by the Federal Insurance Administration (FIA) or the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) and accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBMs). Any development that is proposed in flood hazard areas must first obtain a development permit as required by the City Manager. It is the City Manager's duty to ensure that all development is relatively safe from flooding, as provided for in section 18.04 of the Municipal Code.

D. IMPROVEMENT STANDARDS

Improvement standards establish minimum standards applied to improvements, including those dedicated to the public to be City maintained and operated, private development projects, and improvements in existing rights of way and easements. The City regulates the construction of the following:

- a) Streets
- b) Highways
- c) Drainage
- d) Sewage
- e) Street lighting
- f) Water supply facilities
- g) Related public improvements

Often, as a condition of approval, large-scale private development projects such as master-planned communities or larger subdivisions are required to provide public facilities that will support the increased demand for public facilities the project is anticipated to generate. Either the Planning Commission or the City Council can require improvements of projects as a condition of approval. By establishing improvement standards, the City is able to ensure that adequate public facilities will be provided for the public that function at acceptable levels of service.

The City has adopted improvement standards that regulate all development - the City of Lone Improvement Standards (2007). These function as minimum acceptable standards for development. However, the City acknowledges that it is impossible to provide universal regulations appropriate for every situation. Hence, the intent of the City's improvement standards are to provide guidelines that assist developers, engineers, and contractors achieve completion of improvements that comply with City requirements and will be accepted by the City for maintenance and operation, yet the Planning Commission or City Council can adopt project specific requirements that supersede adopted improvement standards. All project improvements are subject to approval by the City Engineer. In addition to complying with City standards, improvements must also comply with accepted engineering practice and any applicable Standard Plans and Standard Specifications of Caltrans, the State of California Department of Transportation.

In addition to providing minimum standards for the construction and design of improvements, the City's improvement standards also provide procedural guidelines that all development must comply with. The City provides requirements for construction staking, inspection processes during construction, final inspection, and financial agreements related to the provision of improvements. The City also has mandated requirements for the format and contents of all improvement plans. The City's improvement standards, including these procedural guidelines, are all provided in the City of Lone Improvement Standards (2007).

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E. SUBDIVISION STANDARDS

Whenever land is subdivided for the purpose of leasing, selling, or financing, the regulations of the California Subdivision Map Act (and Title 16 of the City's Municipal Code) come into effect. For subdividing a parcel into two, three, or four parcels, the applicant seeks approval of a Tentative Map for Parcel Map. Subdividing a parcel into five or more parcels requires approval of a Tentative Map for Final Map. The subdivision process is used by the City to ensure that subdivisions will meet community goals through the provision of adequate infrastructure, including roads, drainage, schools, and parks.

When completing a Tentative Map and Final Map, an applicant first submits a Tentative Map to the City Planner. Approval of a Tentative Map for Final Map is the responsibility of the Planning Commission. After approval of a Tentative Map, the Final Map must be approved if it is substantially the same as the Tentative Map. The City is able to establish conditions of approval, and through this, obtain exactions for public facilities, land, or fees. However, all exactions must be directly related to the project.

When completing a Tentative Map and Parcel Map, the applicant must also submit the Tentative Map to the City Planner. Approval of a Tentative Map for Parcel Map is also the responsibility of the Planning Commission. After approval of a Tentative Map, the Parcel Map must be approved if it is substantially the same as the Tentative Map. City Council action is required on Parcel Maps if offers of dedication are made. Planning Commission conditions of approval must be completed to the satisfaction of the City.