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Merger of Contiguous Parcels

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6-2201 Authority and applicability.

This chapter is adopted under the authority granted to the city by Government Code Section 66424.2 to provide for merger of contiguous parcels of land. This chapter applies to land privately held and land owned by a public agency and held by it for the purpose of sale. (Ord. 287 § 1 (part), 1982)

6-2202 Definitions.

In this chapter, unless the context otherwise requires:

(a) "Building" means:

(1) In a residential or agricultural zoning district, a structure built as a dwelling or dwelling unit;

(2) In a commercial, business or office zoning district, a structure built as a dwelling or dwelling unit or as a structure continuously occupied by persons for business purposes.

(b) "Conform to the standards for development," when referring to a parcel or unit of land, means that the parcel or unit of land is smaller than the minimum lot size required, or that the lot does not comply with the minimum lot depth or width standards of the zoning district in which the parcel is located.

(c) "Contiguous parcels or units of land" means and includes those separated by a road, street, easement, right-of-way, creek or channel.

(Ord. 294 §§ 1 — 2, 1983; Ord. 287 § 1 (part), 1982)

6-2203 Merger.

Two or more contiguous parcels or units of land which have been created under the Subdivision Map Act, a prior law regulating the subdivision of land, a county or city ordinance or were not subject to such provisions at the time of their creation and which are held by the same owner shall be merged if (a) one of the contiguous parcels or units does not conform to the standards for development under this code; and (b) at least one of the contiguous parcels or units is not developed with a building for which a permit was issued or, if it is developed with a building, the building was built before a permit was required. (Ord. 287 § 1 (part), 1982)

6-2204 Procedure to effect a merger.

(a) Whenever the city has knowledge that real property has merged under this chapter, it shall:

(1) Give written notification to the owner of the city's intention to record a notice of merger with the county recorder. Notification to the owner shall be given at least 30 days before notice of the merger is filed for record and shall specify a time, date and place at which the owner may present evidence to the planning commission as to why such notice should not be recorded; and

(2) Permit the owner to present evidence to the planning commission as to why a notice of merger should not be recorded.

(b) At the conclusion of the hearing, the planning commission shall make its determination as to whether or not the notice of merger will be recorded with the county recorder.

(c) The owner may appeal the decision of the planning commission. The appeal procedures are those set forth in Chapter 6-2, Article 3 of this title.

(Ord. 287 § 1 (part), 1982)

6-2205 Exception to the general policy.

Notwithstanding Section 6-2203, lands to which this chapter applies may be merged and resubdivided under provisions of the Subdivision Map Act and local ordinances upon application by the owner. (Ord. 294 § 3, 1983; Ord. 287 § 1 (part), 1982)

6-2206 Supplemental regulations.

The city council may by resolution adopt regulations to establish administration, procedures, interpretation and policy to carry out this chapter. (Ord. 287 § 1 (part), 1982)