



## Florence City Code

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TITLE 11  
CHAPTER 1

**SUBDIVISION ADMINISTRATION, GENERAL PROVISIONS**

SECTION:

- 11-1-1: Purpose
- 11-1-2: Approval of Land Division
- 11-1-3: Definitions
- 11-1-4: Relocation of Lot Lines
- 11-1-5: Replatting of Subdivided Lands
- 11-1-6: Fees

**11-1-1: PURPOSE:** The purpose of this Title is:

- A. To provide rules, regulations and standards to govern the approval of subdivisions and partitions of land and to carry out the development pattern and plan of the City.
- B. To promote the public health, safety and general welfare; lessen congestion in the streets; secure safety from fire, flood, pollution and other dangers; provide adequate light and air; prevent overcrowding of land and facilitate adequate provision for transportation, water supply, sewerage, drainage, education, recreation and other needs of the people of the City; to prescribe procedures to be followed in submitting plans and plats of subdivisions for approval.

**11-1-2: APPROVAL OF LAND DIVISIONS:**

- A. No person shall dispose of, transfer or sell any lot or parcel of land in a minor partition with respect to which approval is required by this Title until such approval is obtained.
- B. No person shall create a street or way for the purpose of partitioning a parcel of land without the approval of the body authorized to give approval of plats for major subdivisions or major partitions under the provisions of this Title until such approval is obtained.
- C. No persons shall dispose of, transfer, sell or advertise, agree or negotiate to sell any lot or parcel of land in any major subdivision or major partition with respect to which approval is required by this Title until such approval is obtained, and the plat thereof has been acknowledged and recorded with the County recording officer.

**11-1-3: DEFINITIONS:** For the purpose of this Title, certain words, terms and phrases are defined as follows:

- ALLEY A narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.
- ARTERIAL A street which is used primarily for through traffic, or which by its location will likely be needed for such use in the normal growth of the community.
- BLOCK LENGTH The distance measured along all that part of one side of a street which is between two (2) intersecting or intercepting streets, or between an intersecting or intercepting street and a watercourse, body of water or undivided acreage.
- BUSINESS STREET Any block length along any street, other than an arterial, within which there is or will be provided access to one or more commercial structures which in the judgment of the Planning Commission will result in a high volume of business traffic on such street.
- CITY The City of Florence, Oregon, and its officials or authorized agents.

CITY COUNCIL	The Common Council of the City of Florence, Oregon, which is the governing body of said City.
COLLECTOR	A street supplementary to the arterial street system and a means of intercommunication between this system and smaller areas, used to some extent for through traffic and to some extent for access to abutting properties.
COMMISSION	The Florence Planning Commission.
CUL-DE-SAC	A short street having one end open to traffic (Dead End Street)and being terminated by a vehicle turn around.
DIVISION OF LAND	The creation of lots or parcels.
DRAINAGE LAND	Land required for drainage ditches or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against floor damage or the accumulation of surface water.
LOCAL STREET	A street used primarily for access to abutting property(s).
LOT	A unit of land that is created by a subdivision of land.
Butt Lot or Parcel	A lot or parcel, the lot or parcel side line of which abuts the lot or parcel rear line of two (2) or more adjoining lots or parcels.
Corner Lot or Parcel	A LOT OR PARCEL AT LEAST TWO (2) adjacent sides of which abut streets other than alleys, provided the angle of intersection of the adjacent streets does not exceed one hundred thirty five degrees (135°).
Through Lot or	A lot or parcel having frontage on two (2) parallel or approximately parallel streets other than alleys.
Key Lot or Parcel	A lot or parcel the rear line of which abuts the lot side line of two (2) or more adjoining lots or parcels.
LOT LINE	A. Front: The lot or parcel line abutting a street. For corner lots or parcels the lot or parcel front line is that with the narrowest street frontage. For double frontage lots or parcels the lot or parcel front line is that having frontage on a street which is so designated by the land divider and approved as part of a subdivision or partition as provided for in this Title.  B. Rear: The lot or parcel line which is opposite to and most distant from the lot or parcel front line.  C. Side: Any lot or parcel line which is not a lot or parcel front or rear line.
MAP	A final diagram or drawing, concerning a major or minor partition, suitable for recording.
MAJOR PARTITION	A partition which includes the creation of a road or street and which does not result in the creation of more than two (2) or three (3) lots within a calendar year.
MASTER ROAD PLAN	The plan(s) adopted by the Council of the City according to the procedures provided for in this Title.

MINOR PARTITION	A partition which does not include the creation of a road or street, and which does not result in the creation of more than two (2) or three (3) lots within a calendar year.
OWNER	An individual, association, partnership or corporation having legal or equitable title to land sought to be divided, other than legal title held for purposes of security only.
PARCEL	A unit of land that is created by a partitioning of land.
PARTITION	Either an act of partitioning land, or an area or tract of land partitioned as defined in this Section.
PARTITION LAND	<p>Division of an area or tract of land into two (2) or three (3) parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year. "Partitioned Land" does not include:</p> <ul style="list-style-type: none"> <li>A. Divisions of land resulting from lien foreclosures;</li> <li>B. Divisions of land resulting from the creation of cemetery lots;</li> <li>C. Divisions of land made pursuant to a court order including but not limited to court orders in proceedings involving testate or intestate succession; and</li> <li>D. Adjustment of a lot or parcel line by the relocation of a common boundary where an additional parcel or lot is not created and where the existing parcel or lot reduced in size by the adjustment is not in conflict with any applicable law or ordinance, including but not limited to, provisions pertaining to minimum area, frontage, minimum width and required setbacks.</li> </ul> <p>When it appears to the approving authority that the area is to be ultimately divided into four (4) or more lots or parcels, provisions of this Title pertaining to subdivisions may be required.</p>
PARTITIONER	An owner commencing proceedings under this Title to effect a partition of land by himself or his lawful agent.
PERFORMANCE AGREEMENT or BOND	A financial commitment by the petitioner or subdivider and executed by an Oregon licensed surety company in an amount equal to the full cost of construction and improvements as required in Chapter 5 of this Title and conditioned upon the faithful performance thereof.
PETITION FOR IMPROVEMENTS	A proper petition submitted to and approved by the City Council for construction and improvements as required by Chapter 5 of this Title.
PLANNING OFFICE	The Florence City Hall, Florence, Oregon.
PLAT	The final map, diagram, drawings, replat or other writing containing all the descriptions, specifications, dedications, provisions and information concerning subdivisions.
ROAD OR STREET	A public or private way, other than a public alley, that is created to provide ingress or egress for vehicular traffic to one or more lots, parcels, areas or tracts of land; excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes. A "road" or "street" includes the land between right-of-way lines, whether improved or unimproved.

RIGHT OF WAY	The area between boundary lines of a street or other easement.
SUBDIVIDE LAND	The division of an area or tract of land into four (4) or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year.
SUBDIVIDER	An owner commencing proceedings under this Title to effect a subdivision of land by himself or through his lawful agent.
SUBDIVISION	Either an act of subdividing land, or an area or tract of land subdivided as defined in this Section.
TENTATIVE PLAN	A preliminary drawing or diagram concerning a partition or subdivision. (Ord.625, 6-30-80)

**11-1-4: RELOCATION OF LOT LINE:**

- A. A lot line adjustment shall not create an additional parcel, shall not reduce an existing parcel below the minimum size applicable to that zoning district, shall involve only one common lot line, and shall not redesignate the front lot line as defined in Section 10-1-4 of this Code.
- B. An application for a relocation of a lot line shall be filed with the City Planning Department. The Planning Department shall notify the applicant within five (5) days, whether the application has been approved or denied. If approved, a survey, certified by a licensed surveyor, shall be filed with the Planning Department, within sixty (60) days of notification of approval. The applicant shall cause the survey to be recorded with the appropriate City and County offices at the applicant's expense and shall forward a copy of the recorded survey to the City. If denied, the decision may be appealed to the Planning Commission, by filing written notice of appeal, including the alleged error of the decision, with the Planning Department within ten (10) days of notice of such decision.

**11-1-5: REPLATTING OF SUBDIVIDED LANDS:** Replatting of an existing, but undeveloped, subdivision shall follow the following procedures:

- A. The applicant shall apply to the City for vacation of existing rights of way as applicable, unless proposed streets and/or common open space of equal area is dedicated to the City as public easements. (Ord. 1, Series 1992).
- B. The applicant shall apply to the City for partition or subdivision approval as applicable according to the provisions of this Title. (Ord. 669, 5-17-82)

**11-1-6: FEES:**

- A. Application Fee: In order to cover the actual processing costs connected with the application for tentative plan approval of partitions and subdivisions, the applicant is required to submit a filing fee based on average processing costs along with the application, which fees shall be established by resolution of the Common Council.
- B. Administrative Fee: In order to defray the administrative costs connected with reviewing and processing land divisions or adjustments of lot lines, the City shall collect a fee according to a schedule adopted by the City Council. This fee will be collected in connection with the following:

Lot Line Adjustments  
 Minor Partitions  
 Major Partitions  
 Subdivisions  
 Planned Unit Developments  
 (Ord. 626, 6-30-80; renumbered Ord. 669, 5-17-82)

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11-1-5 Amended Ord 1, Series 1992

**MINOR PARTITIONING PROCEDURE**

SECTION:

- 11-2-1 Application
- 11-2-2: Tentative Plan Requirements
- 11-2-3: Review of Proposal by Other Agencies and Departments
- 11-2-4: Tentative Plan Approval
- 11-2-5: Ownership Verification of Dedications
- 11-2-6: Acknowledging Decisions
- 11-2-7: Return of Approved Tentative Plan
- 11-2-8: Appeal of Decisions
- 11-2-9: Final Partition Map
- 11-2-10: Effective Date of Decisions
- 11-2-11: Expiration of Approval

**11-2-1: APPLICATION:** An application shall be made by the person proposing the minor partition, or his authorized agent or representative, on a form prescribed by the City and submitted to the Planning Director, together with a tracing and five (5) copies of a tentative plan. (Amd Ord 30, Series 1990).

**11-2-2: TENTATIVE PLAN REQUIREMENTS:**

- A. Drafting: The tentative plan shall be drawn with pencil or India ink on substantial tracing paper and show all pertinent information to scale. The scale shall be standard, being 10, 20, 30, 40, 50 or 60 feet to the inch; and shall be so selected as to fit the finished drawing to a sheet size of eight and one-half inches by eleven inches (8 1/2" x 11").
- B. Information Required: The application or the tentative plan must contain the following information with respect to the subject area:
  - 1. The proposed name of the minor partition. This name must not duplicate or resemble the name of another partition in the County and shall be approved by the Planning Commission.
  - 2. The date, north point and scale of drawing, and a sufficient description to define the location and boundary of the tentative plan area.
  - 3. An accurate map describing the boundaries of all contiguous land in the same ownership as the area encompassed in the application.
  - 4. The names and addresses of the owner, partitioner and engineer or surveyor.
  - 5. The location, name and present width of all streets and alleys.
  - 6. The location of existing and proposed right-of-way lines for existing or projected streets as shown on the Master Road Plan.
  - 7. The width and location of all easements for drainage and public utilities.
  - 8. The dimensions, parcel lines and area of all parcels.
  - 9. The existing use or uses of the property, including the location of all existing structures to remain on the property.
  - 10. In addition, when all or a portion of the area encompassed in a minor partition application of lots averaging a maximum of one-half (1/2) acres each has not been previously included in a recorded plat (subdivision), the following information is also required:

- a. The affidavit of a surveyor who is an Oregon registered engineer or Oregon licensed land surveyor, and who prepared the tentative plan for the area encompassed in the proposed partition.
- b. The names of all recorded subdivisions contiguous to the subject area.
- c. The elevations of all points used to determine contours; said points given to true elevation above mean sea level as determined by the City. The base data used shall be clearly indicated and shall be compatible to City datum if bench marks are not adjacent. The following intervals are required:

Contour Intervals	Ground Slope
1'	0% to 5%
2'	5% to 10%
5'	Over 10%

- d. The approximate width and location of all proposed public utility easements.
- e. The approximate location of areas subject to inundation or storm water overflow, all areas covered by water, and the location, width and direction of flow of all watercourses.
- f. All proposals for sewage disposal, flood control and easements or deeds for drainage land, including profiles of proposed drainage ways.
- g. All public areas proposed to be dedicated by the partitioner and the proposed uses thereof. In this connection, the application is subject to the requirements pertaining to reserve strips as stipulated in Chapter 5 of this Title. Said reserve strips shall be clearly indicated on the proposed partition.
- h. All public improvements proposed to be made or installed, and the time within which such improvements are envisioned to be completed.
- i. A legal description of the boundaries of the entire area owned by the partitioner of which the proposed partition is a part; provided, that where the proposed partition comprises all of such area, an affidavit of such fact shall accompany the application.

**11-2-3: REVIEW OF PROPOSAL BY OTHER AGENCIES AND DEPARTMENTS:** Within five (5) working days after the application is duly submitted, the Planning Director shall distribute copies thereof to the City Manager, to each public utility, the County Health Department, and to each government subdivision that may be affected by the minor partition proposal for review, comments and recommendations. If no written response is received by the Planning Director within thirty (30) days, it shall be assumed that the agency(s) approves of the proposal as submitted, unless an extension is requested. (Amd. Ord 30, Series 1990).

**11-2-4: TENTATIVE PLAN APPROVAL:** After giving notice as required by subparagraph 10-1-1-5-B-1 of this Code, the Planning Commission or its designee shall grant approval or deny the minor partition tentative plan. The hearing, decision and further consideration of a similar application shall be governed by paragraphs 10-1-1-5-D and E of this Code. If approval involves implications of new or modified standards or policy, the Planning Commission and not its designee shall render a decision. Approval shall be granted, provided affirmative findings can be made that: (Amd. Ord. 30, Series 1990).

A. The approval does not impede the future best use of the remainder of the property under the same ownership or adversely affect the safe and healthful development of such remainder of any adjoining land or access thereto.

B. The minor partition complies with the requirements of this Title, all applicable provisions of the Oregon Revised Statutes, the Florence Zoning Ordinance, the Florence Comprehensive Plan and Policies, as well as the intent and purpose of this Title.

- 1. Improvements as required by the City and this Title have been completed, and a certificate of fact has been filed with the Planning Director. (Amd. Ord 30, Series 1990).
- 2. A performance agreement (bond), or suitable substitute as agreed upon by the applicant and the City has been filed with the Finance Officer in sufficient amount to ensure the completion of all required improvements; or
- 3. A petition for improvements has been properly executed by the petitioner who is effecting the partition and will be assessed for said improvements.

C. Public assessments, liens and fees with respect to the minor partition area have been paid, or a segregation of assessments and liens has been applied for and granted by the Council. (Amd Ord 30, Series 1990).

Except as provided in the procedures for modification as stipulated in Chapter 7 of this Title, approval as of a minor partition tentative plan does not relieve the applicant from other applicable provisions of this Title or Oregon Revised Statutes. (Amd Ord 30, Series 1990).

**11-2-5: OWNERSHIP VERIFICATION OF DEDICATIONS:** In the event approval of a minor partition is conditioned upon the dedication of a portion of the area to the public, the applicant shall submit to the City a title report issued by a title insurance company licensed in the State of Oregon verifying ownership by the applicant of the real property that is to be dedicated to the public.

**11-2-6: ACKNOWLEDGING DECISIONS:** Approval of a minor partition tentative plan shall be noted thereon by the chairman of the Planning Commission or its designee with the effective date of such approval. Notice of the Planning Commission's decision shall be given as provided in paragraph 10-1-1-5-F of this Code. (Amd. Ord 30, Series 1990).

**11-2-7: RETURN OF APPROVED TENTATIVE PLAN:** Unless appealed, the Planning Director shall return a copy of the tentative plan as approved and so noted thereon to the applicant. (Amd. Ord 30, Series 1990).

**11-2-8: APPEAL OF DECISIONS:** The procedure and provisions for appeal under this Chapter shall be governed by Subsection 10-1-1-6 of this Code. (Amd. Ord 30, Series 1990).

**11-2-9: FINAL PARTITION MAP:** No more than six (6) months after tentative plan approval, the applicant shall submit to the Planning Director a final partition map drawn by an Oregon registered engineer or licensed surveyor. The final map shall be in a form suitable for recording and shall show the acreage or square footage of each parcel. If the final map conforms to the approved tentative plan, it shall be endorsed by the City's authorized agent and recorded. A copy of the recorded map shall be returned to the applicant. (Amd. Ord. 30, Series 1990). (Amd. Ord. No. 12, Series 1999)

**11-2-10: EFFECTIVE DATE OF DECISIONS:** The minor partition shall become effective upon recording of the final partition map with the County Recorder.

**11-2-11: EXPIRATION OF APPROVAL:** If the conditions set at the time of approval are not fulfilled within one year, the minor partition approval will be null and void. A new application must be submitted for reconsideration in light of new conditions that may exist. (Ord. 626, 6-30-80)

Amended by Ord. 30, Series 1990  
Amended by Ord. 12, Series 1999



**MAJOR PARTITION, TENTATIVE PLAN PROCEDURE**

SECTION:

- 11-3-1: Application
- 11-3-2: Tentative Plan Requirements
- 11-3-3: Review of Tentative Major Partition or Subdivision
- 11-3-4: Approval of Tentative Major Partition or Subdivision
- 11-3-5: Acknowledging Tentative Plan Decisions
- 11-3-6: Tentative Plan, Effective Date
- 11-3-7: Tentative Plan, Appeal of Decisions

**11-3-1: APPLICATION:** An application for tentative plan approval shall be made by the person proposing the subdivision or major partition, or his authorized agent or representative, on a form prescribed by the City and submitted to the Planning Director, together with a tracing and ten (10) copies of a subdivision tentative plan or five (5) copies for a major partition tentative plan, as the case may be. (Amd. Ord 30, Series 1990).

**11-3-2: TENTATIVE PLAN REQUIREMENTS:**

- A. Drafting: The tentative plan shall show all pertinent information to scale. The drawing shall be on standard size sheets eighteen inches by twenty four inches (18" x 24"), and at scale of one inch equal to one hundred feet (1" = 100'). The scale may be increased or decreased if necessary, but in all cases the scale shall be standard, being 10, 20, 30, 40, 50 or 60 feet to the inch or multiples of ten (10) of any one of these scales.

Tentative plans for major partitions and subdivisions shall be proposed by a surveyor who is an Oregon registered engineer or Oregon licensed land surveyor. An affidavit of the services of said engineer or land surveyor shall be furnished as part of the tentative plan submitted.

- B. Information Required: The application itself or the tentative plan must contain the following information with respect to the subject area:
1. Name and block numbering of proposed subdivision. Except for the words, "tow", "city", "plat", "court", "addition" or similar words, the name shall be clearly pronounced different than, the name of any other subdivision in the County unless the subject subdivision is contiguous to and platted by the same party that platted the preceding subdivision bearing that name. All subdivisions must continue the block numbers of the subdivision of the same name last filed.
  2. The date, north point and scale of the drawing; a sufficient description to define the location and boundaries of the proposed subdivision or major partition area; and the names of all recorded subdivisions contiguous to such area.
  3. The names and addresses of the owner and engineer or surveyor.
  4. The location of existing and proposed right-of-way lines for existing or projected streets as shown on the Master Road Plan.
  5. The locations, names and widths of all existing and proposed streets and roads. Said roads and streets shall be laid out so as to conform to subdivisions and major partitions previously approved for adjoining property as to width, general direction and in other respects unless it is found in the public interest to modify the street or road pattern.
  6. Locations and widths of streets and roads held for private use, and all reservations or restrictions relating to such private roads and streets.

7. The elevations of all points used to determine contours shall be indicated on the tentative plan and said points shall be given to true elevation above mean sea level as determined by the City. The base data used shall be clearly indicated and shall be compatible to City datum, if bench marks are not adjacent. The following intervals are required:

Contour Intervals	Ground Slope
1'	0% to 5%
2'	5% to 10%
5'	Over 10%

8. The approximate grades and radii of curves of proposed streets.
9. The approximate width and location of all reserve strips and all existing and proposed easements for public utilities.
10. The approximate radii of all curves
11. The general design of the proposed subdivision or major partition including the approximate dimensions of all proposed lots and parcels.
12. The approximate location of areas subject to inundation or storm water overflow, all areas covered by water, and the location, width and direction of flow of all watercourses.
13. The existing and proposed uses of the property including the location of all existing structures that the applicant intends will remain in the subject area.
14. The domestic water system proposed to be installed including the source, quality and quantity of water if from other than a public water supply.
15. All proposals for sewage disposal, flood control and easements or deeds for drainage land including profiles of proposed drainage ways.
16. All public areas proposed to be dedicated by the applicant and the proposed uses thereof.
17. All public improvements proposed to be made or installed and the time within which such improvements are envisioned to be completed.
18. If lot areas are to be graded, a plan showing the nature of cuts and fills and information on the character of the soil.
19. A legal description and drawing of the boundaries of the entire area owned by the applicant of which the proposed subdivision or major partition is a part, provided that where the proposal comprises all of such area, an affidavit of such fact shall accompany the tentative plan.

**11-3-3: REVIEW OF TENTATIVE MAJOR PARTITION OR SUBDIVISION:** Within five (5) working days after the major partition or subdivision tentative plan is duly submitted, the Planning Director shall distribute copies thereof to the City Manager, to each public utility, the County Health Department, and to each government subdivision that may be affected by the major partition or subdivision proposal for review, comments and recommendations. If no written response is received by the Planning Director within thirty (30) days, it shall be assumed that the agency(s) approves of the proposal as submitted unless an extension is requested. (Amd. Ord 30, Series 1990).

**11-3-4: APPROVAL OF TENTATIVE MAJOR PARTITION OR SUBDIVISION:** After giving notice as required by subparagraph 10-1-1-5-B-1 of this Code, the Planning Commission or its designee shall grant approval or deny the major partition tentative plan. The hearing decision and further consideration of a similar application shall be governed by paragraphs 10-1-1-5-D and E of this Code. If approval involves implications of new or modified standards or policy, the Planning Commission and not its designee shall render a decision. The Planning Commission may require its designee to submit any tentative approval to the Commission for review prior to notification of the applicant. In the event of a denial, the application shall

be reviewed by the Planning Commission within forty five (45) days. Approval shall be granted, provided affirmative findings can be made that: (Amd. Ord 30, Series 1990).

- A. The approval does not impede the future best use of the remainder of the property under the same ownership or adversely affect the safe and healthful development of such remainder or any adjoining land or access thereto.
- B. The tentative plan complies with the requirements of this Title, all applicable provisions of the Oregon Revised Statutes, the Florence Zoning Ordinance, the Florence Comprehensive Plan and Policies, as well as the intent and purpose of this Title.

**11-3-5: ACKNOWLEDGING TENTATIVE PLAN DECISIONS:** Notice of the Planning Commission's decision shall be given as provided in paragraph 10-1-1-5-F of this Code. Approval of a tentative plan for a major partition or subdivision shall be noted thereon by the chairman of the Planning Commission with the effective date of said approval. Unless appealed, a copy of the tentative plan as approved and so noted thereon shall be furnished the applicant following the effective date of approval. Where the Planning Commission has appointed a designee to take action on a major partition, the action may be evidenced by the signature of said designee. (Amd. Ord 30, Series 1990).

**11-3-6: TENTATIVE PLAN, EFFECTIVE DATE:** Unless appealed, the Planning Commission decisions under this chapter shall become effective on the thirty first day after rendered. The applicant may then proceed with final surveying and preparation for final approval consideration of the major partition map or subdivision plat, as the case may be. Tentative plan approval shall be effective for one year within which time the application and major partition map or application and subdivision plat must be submitted as required by this Title. An applicant may apply to the Planning Commission for one (1) extension of six (6) months, due to extenuating circumstances which prevent application for final partition map or subdivision plan within the required one year period. Otherwise the entire procedure must be repeated for reconsideration in light of changed conditions that may exist. (Amd. Ord 30, Series 1990). (Amd. Ord. 12, Series 1999).

**11-3-7: TENTATIVE PLAN, APPEAL OF DECISIONS:** The procedure and provisions for appeal under this Chapter shall be governed by Subsection 10-1-1-6 of this Code. (Amd. Ord 30, Series 1990).

Amended by Ord. 30, Series 1990  
Amended by Ord. 12, Series 1999

**MAJOR PARTITION MAP, PLAT PROCEDURE**

SECTION:

- 11-4-1: Application
- 11-4-2: Requirements
- 11-4-3: Review by Other Agencies and Departments
- 11-4-4: Approval of Map, Plat
- 11-4-5: Acknowledging Decisions
- 11-4-6: Expiration of Approvals
- 11-4-7: Delivery of Map or Plat to County Recorder
- 11-4-8: Delivery of Recorded Plats, Maps to City

**11-4-1: APPLICATION:** An application for major partition map or subdivision plat approval shall be made by the person proposing the subdivision or major partition, or his authorized agent or representative, on a form prescribed by the City and submitted to the Planning Director after the effective date of tentative plan approval. Said applications shall be accompanied by plats or maps and additional information as prescribed in this Chapter. (Amd. Ord 30, Series 1990).

**11-4-2: REQUIREMENTS:**

A. Drafting: Provisions for drafting shall be as follows:

1. Subdivision Plats: One original and ten (10) copies eighteen inches by twenty seven inches (18" x 27") in size and drawn with black India ink. Original plats shall be in substantial conformity to the approved tentative plan and shall conform to the Lane County Surveyor's specifications and requirements pertaining to material that has characteristics of adequate strength and permanency as well as suitability for binding and copying.

Plats shall be in clear and legible form and may be placed on as many sheets as necessary but a face sheet and an index page shall be included for all plats placed on both sides of a sheet. Scale requirements shall be the same as specified for tentative plans. Lettering and the dedication and affidavit of the surveyor shall be of such size or type as will be clearly legible and no part of the plat shall come nearer than one inch (1") to any edge of any sheet.

2. Major Partition Maps: One original and five (5) copies drawn in black India ink in clear and legible form. Original maps shall be in substantial conformity to the approved tentative plan and shall otherwise conform to the Lane County Surveyor' specifications and requirements, but in any event, scale requirements shall be the same as specified for tentative plans. Sheet dimensions and size shall be as specified by the County Recording Officer for major partition maps offered for recording.

B. Information Required: The application itself, or the proposed subdivision plat or the major partition map, must contain the following with respect to the subject area:

1. Transverse computation sheets, subdivisions only. The registered engineer or licensed land surveyor signing the surveyor's affidavit on the plat shall submit transverse computation sheets for the use of the City in checking the plat. Said sheets shall include the calculation of each course and distance by latitude and departure of all the boundary lines and of all lot lines in the subdivision area, and for all boundaries and all lots in the plat which are not completely rectangular in shape. Each course and distance, and each latitude and departure shall be tabulated on the transverse computation sheet in the proper order to show the closure limits of each area, and rectangular coordinates of every angle point shall be extended and shown from a single meridian and from a single point of origin.
2. The lengths of all chords, radii points of curvature and tangent bearings.

3. The lot lines of all lots within the subdivision, or all parcel lines within the major partition, with dimensions in feet and hundredths of feet and with all bearings shown; the acreage or square footage of each lot.
4. Numbers designating each block and lot in subdivisions, lots in each block to be numbered consecutively.
5. Where a plat is an addition to a plat previously recorded, numbers of blocks and lots in consecutive continuation from such previous plat.
6. The description and location of all permanent reference monuments.
7. An affidavit of a surveyor, who is an Oregon registered engineer or Oregon licensed land surveyor and who surveyed the subdivision or major partition, conforming to the requirements of the Oregon Revised Statutes.
8. The date, north point and scale of the drawing, and a sufficient description to define the location and boundaries of the subdivision or major partition.
9. The locations, names and widths of all streets, existing or being created.
10. The width and location of all existing easements for public utilities, and such easements being created, and also all reserve strips required as provided for by this Chapter.
11. A designation of all areas covered by water, and the location, width and direction of flow of all watercourses.
12. A designation of all area being dedicated by the applicant including proposed uses, and an effective written dedication thereof.
13. Designation of all donations to the public of all common improvements including but not limited to streets, roads, parks, sewage disposal and water systems, the donation of which was made a condition of approval of the tentative plat for the subdivision or major partition.
14. A copy of all protective deed restrictions being proposed.
15. A title report issued by a title insurance company licensed by the State of Oregon verifying ownership by the applicant of the real property that is to be dedicated to the public (Ord. 626, 6-30-80)
16. A landscaping plan will be required delineating shrubs, trees, screen planting and natural vegetation corridors. The plan will show approximate height, species (and alternatives), placement and areas. The location of all trees measuring ten inches (10") minimum (DBH) existing prior to development will be shown and those proposed to be removed. A maximum number of these trees will be retained, subject to provision of adequate area for building, parking and yard area, protection from windthrow hazard and solar access. (Ord. 626, 6-30-80; amd. Ord. 669, 5-17-82)

**11-4-3: REVIEW BY OTHER AGENCIES AND DEPARTMENTS:** Within five (5) working days after the subdivision or major partition application is duly submitted the Planning Director shall distribute copies thereof to the City Manager, to each public utility, the County Health Department, and to each government subdivision that may be affected by the application for review, comments and recommendations. If no written response is received by the Planning Director within thirty (30) days, it shall be assumed that the agency(s) approves of the application as submitted unless an extension is requested. (Amd. Ord 30, Series 1990).

**11-4-4: APPROVAL OF MAP, PLAT:** Within ten (10) days of the receipt of all comments and recommendations requested from appropriate agencies and departments or within forty five (45) days of the receipt of a major partition map or subdivision plat application as provided for in this Title, the Planning Commission shall approve, deny or, when further information is required, postpone a decision on the application. The Planning Commission may or its designee shall approve, deny or, when further information is required, postpone a decision on the application. The Planning Commission may require its designee to

submit any tentative approval to the Commission for review prior to notification of the applicant. In the event of a denial, the application shall be reviewed by the Planning Commission within forty five (45) days. Approval shall be granted provided affirmative findings can be made that: (Amd. Ord 30, Series 1990).

- A. Streets, roads and alleys for public use are dedicated without any reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities.
- B. Streets and roads held for private use and indicated on the tentative plan of such subdivision or major partition have been approved by the City.
- C. The proposal conforms to the requirements of this Title, all applicable provisions of the Oregon Revised Statutes, the Florence Zoning Ordinance, Comprehensive Plan, and all other applicable laws and regulations as well as Section 11-1-1, Purpose, of this Title.
- D. The plat or map is in substantial conformity with the provisions of the tentative plan for the subdivision or the major partition as approved.
- E. The plat or map contains a donation to the public of all common improvements including but not limited to streets, roads, parks, sewage disposal and water supply systems, the donation of which was made a condition of the approval of the tentative plan for the subdivision or major partition.
- F. Explanations of all common improvements required as conditions of approval of the tentative plan of the subdivision or the major partition have been accounted for and referenced on the plat or map.
- G. There exists an adequate quantity and quality of water and an adequate sewage disposal system to support the proposed plat or map
- H. Either:
  - 1. Improvements as required by this Title, or as a condition of tentative plan approval have been completed and filed with the City; or
  - 2. A performance agreement (bond) or suitable substitute as agreed upon by the City and applicant has been filed with the Finance Officer in a sufficient amount of time to insure the completion of all required improvements; or
  - 3. A petition for improvements has been properly executed by the applicant who is effecting the partition or subdivision and will be assessed for said improvements.
- I. Taxes, as well as public liens, assessments and fees with respect to the subdivision or major partition area have been paid; or adequate guarantee has been provided assuring said taxes, liens, assessments and fees will be paid prior to recordation.

**11-4-5: ACKNOWLEDGING DECISIONS:** Subdivision or major partition approval shall be evidenced by the signature thereon of the chairman of the Planning Commission with the date of such approval. In the event of denial, the chairman of the Planning Commission shall cause notice and the reasons for same to be furnished to the applicant. Where the Planning Commission's designee has taken action on major partitions, the action may be evidenced by the signature of the designee. (Amd. Ord 30, Series 1990).

**11-4-6: EXPIRATION OF APPROVALS:** If the conditions set at the time of approval are not fulfilled and the plat or map offered for recording by the partitioner or subdivider in the office of the County Recording Officer within one year, subdivision or major partition approval, as the case may be, is null and void, and a new application for plat or map approval must be submitted for reconsideration.

If, in the opinion of the Planning Commission, conditions have changed to a sufficient degree to warrant reconsideration of the tentative plan, an application for tentative plan approval must be resubmitted and approved prior to subdivision plat or major partition map application submittal and reconsideration.

**11-4-7: DELIVERY OF MAP OR PLAT TO COUNTY RECORDER:**

- A. In the case of an approved major partition, the Planning Director shall deliver it to the office of the County Clerk and notify the partitioner that such has been done and that the major partition may be offered for recording.
- B. In the case of a subdivision, the Planning Director shall:
  - 1. Obtain on the approved subdivision plat the signature of the County Assessor, whose signature shall certify that all taxes on the property have been paid;
  - 2. Obtain on the approved subdivision plat the signature of the Planning Director, whose signature shall certify that the platting laws of the State and the requirements of this Title have been complied with; (Amd. Ord 30, Series 1990).
  - 3. Obtain the signature on the approved subdivision plat of a majority of the Board of County Commissioners whose signatures shall certify that the plat is approved by them;
  - 4. Deliver the approved subdivision plat to the office of the County Clerk;
  - 5. Notify the subdivider that the approved subdivision plat has been delivered to the office of the County Clerk and may be offered for recording.

**11-4-8: DELIVERY OF RECORDED PLATS, MAPS TO CITY:** In addition to the requirements of Oregon Revised Statutes pertaining to filing and recording of approved subdivision plats, the subdivider shall furnish the City one exact reproducible copy thereof, composed of the same materials as required by the County Surveyor, of if not so required, of such materials and specifications as required by the City. Said copy shall be furnished to the City within two (2) working days of recordation.

In the case of an approved and recorded major partition map, the partitioner shall furnish the City one exact reproducible transparency of same; otherwise, the procedures and requirements shall be the same as specified in connection with delivery of subdivision plats to the City. (Ord. 626, 6-30-80)

**PLATTING AND MAPPING STANDARDS**

SECTION:

- 11-5-1: Streets
- 11-5-2: Lots and Parcels
- 11-5-3: Drainage
- 11-5-4: Partial Development
- 11-5-5: Unsuitable Areas
- 11-5-6: Mobile Homes

**11-5-1: STREETS:**

A. Dedication:

1. Generally: The Planning Commission may require adequate and proper streets including arterials, collector streets, local streets, and other streets, to be dedicated to the public by the applicant, of such design and in such location as are necessary to facilitate provision for the transportation and access needs of the community and the subject area in accordance with the purpose of this Title.
2. Special Safety Requirements: Where necessary to insure safety, reduce traffic hazards and promote the welfare of the general public and residents of the subject area, the Planning Commission may require that local streets be so designed as to discourage their use by nonlocal traffic.
3. Master Road Plan:
  - a. Submitting Plan: The Planning Commission shall prepare and submit to the City Council a Master Road Plan or Plans and amendments thereto, for the City or such portions thereof as necessary, indicating streets and street systems needed to provide for the transportation needs of the community.
  - b. Adoption of Plan: Upon adoption and approval by the City Council of any such Plan or amendments thereto, as from time to time may be submitted by the Planning Commission, a copy thereof shall be filed with the City Recorder and a copy shall be kept in the Planning Commission office for the use and information of the general public.
  - c. Effect of Adoption: Any such Plan or Plans and amendments thereto adopted by the City Council shall be considered by the Planning Commission to be a correct designation of the transportation, access and safety needs of the area or areas included with respect to the streets designated thereon, for the purpose of determining design and location of streets to be required under subsections A2 and A3 above, unless convincing evidence to the contrary is presented to the Planning Commission.

B. Width:

1. Generally: Width of street right of way and paving design for streets shall be not less than those set forth in the table below; except that for a street abutting land not in the subdivision and partition area a lesser width may be allowed at the discretion of the Planning Commission whereby the applicant presents a satisfactory plan whereby such street will be expanded to the width otherwise required.

Existing Adjacent Street: The widths of street right of way provided in the table below shall be the minimum widths of rights of way for streets existing along and adjacent to any boundary of the subdivision or partition, and the applicant shall dedicate additional right of



way, as determined by the Planning Commission in accordance with such table, for any such adjacent street where the existing width of right of way for such street is less than the minimum in such table.

Type of Street	Minimum Right of Way Width	Minimum Paving Width
Arterials	60 feet	42 feet
Collector Streets	60 feet	36 feet
Feeders (Continuous Minor St)	50 or 60 feet	34 feet
Local Streets (Minor Streets less than 400 feet in length which cannot be extended or intersected)	50 feet	28 feet
Cul-de-sac bulb radius	50 feet	40 feet
Alley (Ord 1, Series 1992)	20feet	20 feet

3. Slope Easements: Slope easements shall be dedicated in accordance with specifications adopted by the City Council under Section 11-6-1 of this Title.

C. Reserve Strips: The Planning Commission may require the applicant to create a reserve strip controlling the access to a street, said strip to be placed under the jurisdiction of the City Council and the Planning Commission, when the Planning Commission determines that a strip is necessary:

1. To prevent access to abutting land at the end of a street in order to assure the proper extension of the street pattern and the orderly development of land lying beyond the street; or
2. To prevent access to the side of a street on the side where additional width is required to meet the right of way standards provided in the table under subsection B2 above; or
3. To prevent access to land abutting a street of the partition or subdivision, but not within the partition or subdivision itself; or
4. To prevent access to land unsuitable for building development.

D. Intersections of Streets:

1. Angles: Streets shall intersect one another at an angle as near to a right angle as is practicable considering topography of the area and previous adjacent layout; where not so practicable the right of way and street paving within the acute angle shall have a minimum of thirty feet (30') center line radius where such angle is not less than sixty degrees (60°). In the case of streets intersecting at an angle of less than sixty degrees (60°), then of such minimum as the Planning Commission may determine in accordance with the purpose of this Title.
2. Offsets: Intersections shall be so designed that no offset dangers to the traveling public are created as a result of staggering intersections, and in no case shall there be an offset of less than one hundred feet (100').
3. Topography: The layout of streets shall give suitable recognition to surrounding topographical conditions in accordance with the purpose of this Title.
4. Future Extension of Streets: Where the subdivision or partition is adjacent to land likely to be divided in the future, streets shall continue through to the boundary lines of the area under the same ownership of which the subdivision or partition is a part where the Planning Commission determines that such continuation is necessary to provide for the orderly division of such adjacent land, or the transportation and access needs of the community.

5. Cul-De-Sacs: Cul-de-sacs shall be as short as possible and shall have maximum lengths of four hundred feet (400') and serve no more than eighteen (18) single-family dwellings. All cul-de-sacs shall terminate with a circular turnaround.
6. Street Names: No street names shall be used which will duplicate or be confused with the names of existing streets except for extensions of existing streets. Street names and numbers shall conform to the established pattern in the City and shall be subject to the approval of the Planning Commission.
7. Grades and Curves: Unless otherwise approved by the Planning Commission because topographical conditions will not reasonably permit, grades shall not exceed six percent (6%) on arterials, ten percent (10%) on collector streets or twelve percent (12%) on all other streets. Center line radii on curves shall not be less than three hundred feet (300') on arterials, two hundred feet (200') on collector streets, or one hundred feet (100') on all other streets. In flat areas, allowance shall be made for finished street grades having a minimum slope of at least five-tenths percent (0.5%).

E. Alleys:

1. Dedication: The Planning Commission may require adequate and proper alleys to be dedicated to the public by the land divider of such design and in such location as necessary to provide for the access needs of the subdivision or partition in accordance with the purpose of this Title.
2. Width: Width of right of way and paving design for alleys shall be not less than twenty feet (20'), except that for an alley abutting land not in the subdivision or partition, a lesser width may be allowed in the discretion of the City where the land divider presents a satisfactory plan whereby such alley will be expanded to the width otherwise required. Slope easements shall be dedicated in accordance with specifications adopted by the Council under this Section.
3. Corner Cutoffs: Where two (2) alleys intersect, ten foot (10') corner cutoffs shall be provided.
4. Grades and Curves: Unless otherwise approved by the Planning Commission, where topographical conditions will not reasonably permit, grades shall not exceed twelve percent (12%) on alleys, and center line radii on curves shall not be less than one hundred feet (100').
5. Other Requirements: All provisions and requirements with respect to streets in this Title shall apply to alleys the same in all respects as if the word "street" or "streets" therein appeared as the word "alley" or "alleys" respectively.

F. Blocks:

1. Block Length: Block length shall not exceed one thousand two hundred feet (1,200').
2. Public Access Ways: When necessary for public convenience and safety, the Planning Commission may require the land divider to dedicate to the public access ways to connect to cul-de-sacs; to pass through oddly shaped or unusually long blocks; to provide for networks of public paths according to adopted plans; or to provide access to schools, parks or other public areas of such design, width and location as reasonably required to facilitate public use. Where possible, said dedications may also be employed to accommodate uses as included in subsection C of this Section.
3. Easements for Utilities: Dedication of easements for storm water, sewers and for access thereto for maintenance, in order to safeguard the public against flood damage and the accumulation of surface water; dedication of easements for sanitary sewers, and for access thereto for maintenance; and dedication of easements for other public utilities may be required of the land divider by the Planning Commission along lot rear lines, lot side lines or

elsewhere as necessary to provide needed facilities for present or future development of the area in accordance with the purpose of this Title. Easements for utility lines shall be not less than twelve feet (12') in width, except that for an easement abutting land not in the subdivision area a lesser width may be allowed at the discretion of the Planning Commission where the subdivider presents a satisfactory plan whereby such easement will be expanded to the width otherwise required. Before a partition or subdivision can be approved, there shall appear thereon a restriction, providing that no building, structure, tree, shrubbery or other obstruction shall be placed or located on or in a public utility easement. The City may require a five foot (5') easement for utility lines on lots fronting a fifty foot (50') street right of way.

**11-5-2: LOTS AND PARCELS:**

A. Size and Frontage:

1. General Requirements: Each lot shall have a minimum width and depth consistent with the lot width and depth standards for the appropriate zoning district.
2. Area: Minimum lot size shall be in conformance with the provisions of the Florence Zoning Ordinance. Where either a community water supply or sewer system are not presently provided, the lot area shall be sufficient to meet State and County health standards and the lot area shall be at least twice the number of square feet normally required in the zoning district where the lot is located. Where an oversize lot as described above is required due to lack of services, the Planning Commission may require the developer to submit a plan for later division of said lot(s) into standard six thousand five hundred (6,500) or nine thousand (9,000) square foot lots.
3. Frontage: Each lot shall have frontage of not less than fifty feet (50') upon a street, except that a lot on the outer radius of a curved street or facing the circular end of a cul-de-sac shall have frontage of not less than thirty five feet (35') upon a street, measured on the arc. Where either a public water supply or public sewers are not presently provided, the lot frontage shall be sufficient to insure an adequate sized lot to meet State and County requirements

B. Exceptions:

1. Subdivisions and Partitions Developed as a Unit: The Planning Commission may in its discretion authorize the relaxation of the lot size and frontage requirements specified herein where the applicant presents a plan satisfactory to the Planning Commission whereby the entire subdivision or partition will be designed and developed with provision for proper maintenance of recreation and park area which will be commonly available for recreation and park purposes to the residents of the subdivision or partition, and which the Planning Commission determines will be of such benefit to said residents as is equal to that which would be derived from observance of the lot size and frontage requirements otherwise specified, and will be in accordance with the purpose of this Title.
2. Land Zoned for Commercial Use: The Planning Commission may in its discretion authorize relaxation of the lot size and frontage requirements specified herein in the case of land zoned for commercial use, where such relaxation is necessary in consideration of the suitability of the land for such use, and in accordance with the purpose of this Title.
3. Lot or Parcel Retained for Future Subdivision or Partition: The Planning Commission may in its discretion waive lot frontage requirements where in its judgment a lot or parcel should and will be retained by the applicant, and future subdivision or partition of such lot will be best protected by the creation of a reserve strip separating such lot from any street.
4. Key and Butt Lots and Parcels: There shall be no key or butt lots or parcels except where authorized by the Planning Commission where such lots or parcels are necessitated by unusual topographic conditions or previous adjacent layout.

5. Lot and Parcel Side Lines: As far as is practicable, lot and parcel side lines shall run at right angles to the street upon which the lot or parcel faces; except those on curved streets, they shall be radial to the curve.
6. Suitability for Intended Use: All lots and parcels shall be suitable for the purpose for which they are intended to be used. No lot or parcel shall be of such size or design as to be detrimental to the health, safety or sanitary needs of the residents of the subdivision or partition or of such lot or parcel as determined by the Planning Commission in accordance with the purpose of this Title.
7. Future Subdivision or Partition of Lots or Parcels: Where the subdivision or partition will result in a lot or parcel one-half (1/2) acre or larger in size which, in the judgment of the Planning Commission, is likely to be further divided in the future, the Planning Commission may require that the location of lot and parcel lines and other details of layout be such that future division may readily be made without violating the requirements of this Title and without interfering with orderly extension of adjacent streets. Any restriction of buildings within future street locations shall be made a matter of record if the Planning Commission deems it necessary for the purpose of future land division.

**11-5-3: DRAINAGE:** Where land in the subdivision or partition is or will be periodically subject to accumulations of surface water or is traversed by any watercourse, channel, stream or creek, the Planning Commission may require the applicant to provide for adequate unrestricted drainage over drainage land by dedicating to the public easements therefor approved by the Planning Commission as adequate for the drainage needs of the area; or, where necessary in the judgment of the Planning Commission for protection of such needs, by conveying ownership of such drainage land for drainage purposes to the City.

**11-5-4: PARTIAL DEVELOPMENT:** Where the subdivision or partition includes only part of the tract owned by the applicant, the Planning Commission may require a sketch of a tentative layout of streets in the remainder of said ownership.

**11-5-5: UNSUITABLE AREAS:** Areas identified in the Florence Comprehensive Plan as having designated or protected natural areas or potential hazards due to erosion, landslides, stream flooding, ocean flooding or other natural hazards shall not be divided in a manner that would be dangerous to the health and safety of those who would live in said areas, the general public, or natural values which have been protected.

- A. All major partition and subdivision applications shall be reviewed by the City, using the Phase I checklist contained in Site Investigation Reports by Wilbur E. Ternyik, published by OCZMA.
- B. Where problem areas are identified in the Phase I checklist, a full-scale Phase II site investigation will be required covering only those problem areas identified in the Phase I checklist. This site investigation must be prepared and paid for by the applicant. Before approval would be granted the site investigation would have to prove either:
  1. That upon specific examination of the site, the condition which was identified in the Comprehensive Plan Inventory did not exist on the subject property; or
  2. That harmful effects could be mitigated or eliminated through, for example, foundation or structure engineering, setbacks or dedication of protected natural areas.
- C. Specifically, areas shown on the Hazards Map and the Soils Map of the Comprehensive Plan will require a Phase II site investigation report. Studies which have been adopted or included in the Comprehensive Plan by reference or studies done subsequent to the adoption of the Plan may be used to determine when a site investigation report is needed.

**11-5-6: MOBILE HOMES:** Applicable portions of the City Mobile Home Ordinance No. 614 may be applied as development standards for mobile home subdivisions.<sup>1</sup> (Ord. 626, 6-30-80)

See Title 10, Chapter 12 of this Code.  
11-5-1 Amended by Ord 1, Series 1992

**REQUIRED IMPROVEMENTS**

SECTION:

- 11-6-1: Specifications
- 11-6-2: Water Supply
- 11-6-3: Sewage
- 11-6-4: Land Surface Drainage
- 11-6-5: Streets and Alleys
- 11-6-6: Pedestrian Ways
- 11-6-7: Street Lights
- 11-6-8: Performance Agreement

**11-6-1: SPECIFICATIONS:**

- A. **Submitting Specifications:** The applicant's engineer shall prepare and submit to the City specifications, and amendments thereto, for construction of streets and alleys, construction of curbs, gutters and sidewalks, dedication of slope easements for streets and alleys, construction of drainage facilities and construction of pedestrian ways in subdivisions and/or partitions. Such specifications shall conform to proper engineering standards relevant thereto, and be so devised as to facilitate provision for the health, safety and welfare needs of the City and area affected in accordance with the purpose of this Title.
- B. **Procedure:** The procedure for preparing, submitting and adopting all such specifications and amendments thereto, including notice and hearing, shall conform to that required by law for the enactment of ordinances.
- C. **Adoption of Specifications:** Upon adoption by the City Council of any such specifications and amendments thereto, as from time to time may be submitted by the City officials, a copy thereof shall be filed with the City Recorder and a copy shall be kept in the office of the City Manager and in the office of the Planning Commission for the use and information of the general public.

**11-6-2: WATER SUPPLY:** All lots and parcels within subdivisions and partitions shall be served by the water supply system of the City. Water supplies shall be installed according to City specifications including provisions for added fire protection.

**11-6-3: SEWAGE:** All lots and parcels within subdivisions and partitions shall, where practicable, as determined by the Planning Commission in accordance with the purpose of this Title, be served by the sewage system of the City.

**11-6-4: LAND SURFACE DRAINAGE:** Such grading shall be done and such drainage facilities shall be constructed by the land divider as are adequate for the purpose of proper drainage of the subdivision or partition; of areas affected thereby; for the preservation of healthful and convenient surroundings and conditions for residents of the subdivision or partition; and the benefit of the general public, in accordance with specifications adopted by the City Council under Chapter 5 of this Title.

**11-6-5: STREETS AND ALLEYS:** The subdivider shall grade and pave all streets and alleys in the subdivision or partition to the width specified in Chapter 5 of this Title and provide for drainage of all such streets and alleys; and construct curbs, gutters and sidewalks within the subdivision or partition in accordance with specifications adopted by the City Council under Section 11-5-1 of this Title. Such improvements shall be constructed to specifications of the City.

**11-6-6: PEDESTRIAN WAYS:** A walk strip not less than five feet (5') in width shall be paved in the center of all dedicated pedestrian ways. Such paving shall conform to specifications adopted by the City Council under this Chapter.

**11-6-7: PERFORMANCE AGREEMENT:** If all improvements required by the Planning Commission and this Title are not completed according to specifications as required herein prior to the time the final or finished map or plat is duly submitted for consideration and approval, the Planning Commission may accept in lieu of said completion of improvements a performance agreement executed by the land divider and his surety company with the Common Council conditioned on faithful performance and completion of all such improvements within a period of time stated in such performance agreement and approved by the Planning Commission. (Ord. 626, 6-30-80)

TITLE 11  
CHAPTER 7

**MODIFICATIONS, SUBDIVISION REGULATIONS**

SECTION:

11-7-1: Application for Modification

**11-7-1: APPLICATION FOR MODIFICATION:**

- A. Time for Submitting Application: Concurrently with submitting a tentative plan to the Planning Director for Planning Commission consideration and approval, an applicant may submit to the secretary of the Planning Commission an application for a modification of any provision of Chapters 2 through 6 of this Title. (Amd. Ord 30, Series 1990).
- B. Contents of Application: An application for a modification shall be a verified petition stating the provision sought to be modified and stating facts showing that:
1. Such provision, if strictly applied, would cause unique and unnecessary hardship to the applicant in subdividing or partitioning the subject area; and that
  2. Modifications of such provision(s) would not be contrary to the purpose of this Title for the reason that:
    - a. Where the application is for a modification of any provision of Chapters 5 or 6 of this Title, unusual topographic conditions or previous layout of the partition or subdivision area or neighboring area reasonably require such modification and such modification will not be substantially injurious to the public interest and the best use and value of property in the neighboring area; or
    - b. Where the application is for a modification of any provision of Chapters 2 through 4 of this Title, the purpose of such provision has been fulfilled without a strict application thereof, and the interest of the public in efficient transaction of public business will best be served by such modification.
- C. Concurrent with its consideration of the application for tentative plan approval and subject to the same procedures and effective dates, the Planning Commission or its designee shall consider the application for modification. Approval of the application for modification shall be granted provided affirmative findings can be made for the criteria in paragraph B of this section and provided the tentative plans are also approved.

Amended by Ord 30, Series 1990