

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, parkland, multi-use paths and trails, 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:

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|-----------------|--|
| ALLEY           | A narrow passage 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.
DEDICATE/DEDICATION	The gift of land or an easement by a private person or entity to the City as part of, and a condition of, a real estate development. The City must accept the dedication before it is complete. The owner of the land does not retain any rights that are inconsistent with the complete exercise and enjoyment of the public uses to which the property is being committed. (Ord. 2, Series 2011)
DIVISION OF LAND	The creation of lots or parcels.
DRAINAGE FACILITY	Any of a number of types of stormwater conveyance detention, retention or other related facilities, including: pipes, culverts, ditches, natural drainageways, streams, catch basins, inlets, trash racks, and other types of open-channel systems.
EASEMENT, PUBLIC	A right of use of a property given by the owner to the City for public use, and accepted for such use by or on behalf of the public. (Ord. 2, Series 2011)
FINAL PLAT	<u>The final map, diagram, drawings, replat or other writing containing all the descriptions, specifications, dedications, provisions and information concerning a subdivision or partition, suitable for recording.</u>
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	<del>A LOT OR PARCEL AT LEAST TWO (2) adjacent sides of</del> <u>which abut streets other than alleys, provided the angle of intersection of the adjacent streets does not exceed one hundred thirty five degrees (135°). A lot or development site bounded entirely by streets, or a lot having only one side not bounded by a street, or a lot which adjoins the point of intersections of two (2) or more streets and in which the interior angle formed by the extensions of the street lines in the direction which they take at their intersections with side lot lines forms an angle of one hundred thirty five degrees (135) or less. In the event that any street line is a curve at its point of intersection with a side lot line, the tangent to the curve at the point of intersection shall be considered the direction of the street line.</u>
Flag Lot or Parcel	<u>A lot or parcel that has a narrow frontage on a public street with access provided via a narrow accessway or "pole" to the main part of the lot used for building, which is located behind another lot that has street frontage. There are two distinct parts to the flag lot; the development area or "flag"</u>

which comprises the developable area, and the access strip or "pole" which provides access from the street to the flag.

Interior Lot or Parcel	A lot or parcel having frontage only on one street.
Through Lot or Parcel	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.

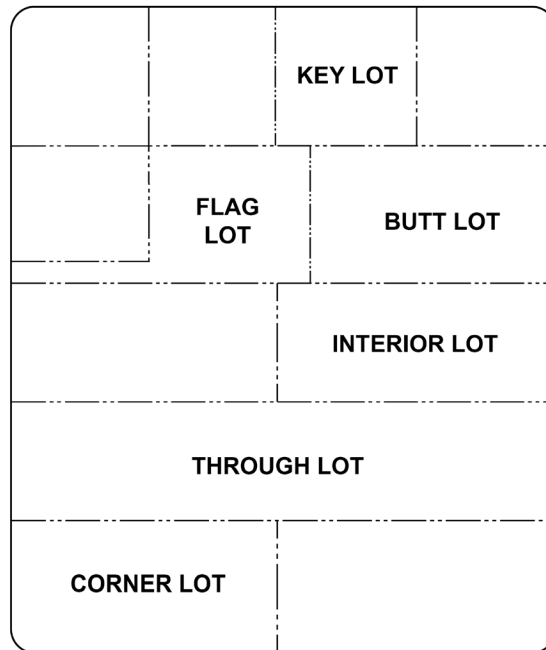


Figure 11-1-3: An illustration depicting lot types.

LOT LINE	<p>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.</p> <p>B. Rear: The lot or parcel line which is opposite to and most distant from the lot or parcel front line. <u>In the case of triangular shaped lot, the rear lot line for building purposes shall be assumed to be a line ten feet (10') in length within the lot, parallel to and at the maximum distance from the front lot line.</u></p> <p>C. Side: Any lot or parcel line which is not a lot or parcel front or rear line.</p>
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~~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	<del>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.</del>
MULTI-USE PATH	A paved 10- to 12-foot wide way that is physically separated from motorized vehicular traffic; shared with pedestrians, skaters, and other non-motorized users. (Ord. 2, Series 2011)
MULTI-USE TRAIL	An unpaved path that accommodates pedestrians shared with other non-motorized users. (Ord. 2, Series 2011)
OPEN SPACE	Any publicly or privately owned land that is retained in a substantially natural condition and incorporates an adjacent parkland improved for recreational uses such as, picnicking, nature interpretive trails or multi-use paths. Open spaces may also include seasonal lakes, lands protected as important natural resources such as wetlands or riverine areas, and lands used as buffers when such lands incorporate areas for the design features mentioned above. Open space does not include residential lots or yards, streets or parking areas. (Ord. 2, Series 2011)
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.
PARKLANDS	Lands that provide for human development and enrichment, and include, but are not limited to: open space and scenic landscapes that provide a place for people to exercise and interact; active recreational lands; historical, archaeology and natural science resources that incorporate a combination of interpretive signage, trails, picnicking and seating areas, and viewing areas; sports and cultural facility areas; picnicking; trails; waterway use facilities; active and passive activities. (Ord. 2, Series 2011)
PARTITION	<del>Either an act of partitioning land, or an area or tract of land partitioned as defined in this Section. A division of an area or tract of land which does not result in the creation of more than two (2) or three (3) lots within a calendar year. "Partition" does not include:</del> <ul style="list-style-type: none"> <li><del>A. A division of land resulting from lien foreclosures;</del></li> <li><del>B. A division of land resulting from the creation of cemetery lots;</del></li> <li><del>C. A division of land made pursuant to a court order including but not limited to court orders in proceedings involving testate or intestate succession; and</del></li> <li><del>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.</del></li> </ul>
PARTITION LAND	<del>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:</del>

- ~~A. Divisions of land resulting from lien foreclosures;~~
- ~~B. Divisions of land resulting from the creation of cemetery lots;~~
- ~~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~~
- ~~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.~~

~~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.~~

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.
<del>PLAT</del>	<del>The final map, diagram, drawings, replat or other writing containing all the descriptions, specifications, dedications, provisions and information concerning subdivisions.</del>
RECREATION NEEDS	Existing and future demand by citizens and visitors for recreation areas, facilities, and opportunities which can contribute to human health, development, and enrichment. (Ord. 2, Series 2011)
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.

**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 10-2-13 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

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11-1-5 Amended Ord. 1, Series 1992  
 Section 11-1-3 amended by Ord. No. 9, Series 2009  
 Amended by Ordinance No. 2, Series 2011 (effective 3-11-11)  
 Section 11-1-3 amended by Ord. No. 18, Series 2011 (effective 9-19-11)  
 Section 11-1-4 amended by Ord. No. 11, Series 2016 (effective 11-16-16)

TITLE 11  
CHAPTER 2

**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 Plat ~~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~~ two (2) full-size copies, one (1) reduced copy of 11" x 17" or smaller, and an electronic copy of a tentative plan. (Amd Ord 30, Series 1990).

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

- A. Application for tentative plan approval shall comply with application requirements of FCC 10-1-1-4.
- B. Drafting: The tentative plan shall be ~~drawn with pencil or India ink on substantial tracing paper submitted in both hard copy and electronic format~~ and show all pertinent information to scale. 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; ~~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").~~
- C. 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 facility, 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 ~~Director 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 reviewed under a Type II process as defined governed by paragraph 10-1-1-6 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. When the division of land results in remaining parcels that are equal to or greater than twice the minimum lot size of the base zone, the application shall indicate the location of lot lines and other details of layout that show future land division may be made without violating the requirements of this land use code and without interfering with the orderly extension of adjacent streets, bicycle paths, and accessways. 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.

- ~~1. Any restriction of buildings within future street, bicycle path and accessway locations shall be made a matter of record in the tentative plan approval.~~
- ~~B. All proposed parcels comply with the development standards of the base zone.~~
- ~~C. Adequate public facilities are available or can be provided to serve the proposed parcels.~~
- ~~D. The application provides for the dedication or conveyance of public rights-of-way or utility easements necessary and adequate to meet the standards of the applicable master plan.~~
- ~~E. All proposed improvements meet City and applicable agency standards.~~
- ~~CF. The minor partition complies with the requirements of this Title, all applicable provisions of the Oregon Revised Statutes including ORS Chapter 92, 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.~~
  - ~~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 applicant 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~~

Except as provided for 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.

**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 FCC 10-1-1-6. (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 10-1-1-7 of this Code. (Amd. Ord 30, Series 1990).

**11-2-9: FINAL PARTITION PLAT MAP:** No more than two (2) years ~~six (6) months~~ after tentative plan approval, the applicant shall submit to the Planning Director a final partition plat map drawn by an Oregon registered engineer or licensed surveyor. The final plat map shall be in a form suitable for recording and shall show the acreage or square footage of each parcel. If the final plat map conforms to the approved tentative plan and applicable approval criteria listed in Section 11-4-4, it shall be endorsed by the City's authorized agent and recorded. A copy of the recorded plat 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 plat map with the County Recorder.

**11-2-11: EXPIRATION OF APPROVAL:** If the conditions set at the time of approval are not fulfilled within two (2) years after tentative plan approval ~~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.

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Amended by Ord. 30, Series 1990

Amended by Ord. 12, Series 1999

Section 11-2-2 Amended by Ord. No. 9, Series 2009

Section 11-2-2-C-10(f) amended by Ord. No. 18, Series 2009 (effective 9-19-11)

Sections 11-2-4, 11-2-6, and 11-2-8 amended by Ord. No. 11, Series 2016 (effective 11-16-16)

TITLE 11  
CHAPTER 3

**MAJOR PARTITION, SUBDIVISION 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
- 11-3-8: Phased Subdivision Tentative Plan

**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~~ two (2) full-size copies, one (1) reduced copy of 11" x 17" or smaller, and an electronic copy 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. Application for tentative plan approval shall comply with application requirements of FCC 10-1-1-4.

B. 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. The tentative plan shall be submitted in both hard copy and electronic format and show all pertinent information to scale. 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.

C. 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 facility 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.

**11-3-4: APPROVAL OF TENTATIVE MAJOR PARTITION OR SUBDIVISION:** After giving notice as required by FCC 10-1-1-6, the Planning ~~Commission~~ Director or its designee shall grant approval or deny the ~~major partition subdivision~~ tentative plan. The hearing, decision and further consideration of a similar application shall be reviewed under a Type II process as defined governed by paragraph 10-1-1-6 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 based on compliance with the following criteria: granted, provided affirmative findings can be made that:~~ (Amd. Ord 30, Series 1990).

A. When the division of land results in remaining parcels that are equal to or greater than twice the minimum lot size of the base zone, the application shall indicate the location of lot lines and other details of layout that show future land division may be made without violating the requirements of this land use code and without interfering with the orderly extension of adjacent streets, bicycle paths, and accessways. 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.

1. Any restriction of buildings within future street, bicycle path and accessway locations shall be made a matter of record in the tentative plan approval.

B. All proposed parcels comply with the development standards of the base zone.

C. Adequate public facilities are available or can be provided to serve the proposed parcels.

D. The application provides for the dedication or conveyance of public rights-of-way or utility easements necessary and adequate to meet the standards of the applicable master plan.

BE. The tentative plan complies with the requirements of this Title, all applicable provisions of the Oregon Revised Statutes including ORS Chapter 92, 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 Director's Commission's decision shall be given as provided in FCC 10-1-1-6. ~~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.~~

**11-3-6: TENTATIVE PLAN, EFFECTIVE DATE:** Unless appealed, the Planning Director 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 two years 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 Director Commission for two (2) extensions of twelve (12) months each. A decision to extend the approval shall be based on compliance with the following criteria:

A. The request for an extension is made in writing prior to expiration of the original approval;

B. There are special or unusual circumstances that exist which warrant an extension; and

C. No material changes of surrounding land uses or zoning has occurred.

Otherwise the entire procedure must be repeated for reconsideration in light of changed conditions that may exist.

**11-3-7: TENTATIVE PLAN, APPEAL OF DECISIONS:** The procedure and provisions for appeal under this Chapter shall be governed by Subsection 10-1-1-7 of this Code.

**11-3-8: PHASED SUBDIVISION TENTATIVE PLAN:** The subdivision of land may be phased. No land shall be divided as a phased subdivision without receiving tentative phased subdivision plan approval as set forth in this section. When the subdivision of land is phased, one tentative plan is approved by Planning Director for the entire phased subdivision, and each individual phase receives separate final plat approval from the Planning Director. Planning Director shall approve a phased subdivision tentative plan, provided affirmative findings can be made that:

A. The proposed subdivision meets the Tentative Plan requirements outlined in 11-3-1 through 11-3-4.

B. The proposed subdivision includes the following elements:

1. A phasing plan that indicates the tentative boundaries of each phase, the sequencing of the phases, the tentative configuration of lots in each phase, and a plan for the construction of all required public infrastructure in each phase

2. Connectivity for streets and public utilities between each phase ensures the orderly and efficient construction of required public improvements among all phases.

3. Each phase is substantially and functionally self-contained and self-sustaining with regard to required public improvements.

4. Each phase is designed in such a manner that all phases support the infrastructure requirements for the phased subdivision as a whole.

C. If the approval of a final plat for a phase of a phased subdivision requires the change of a boundary of a subsequent phase, or a change to the conditions of approval, the tentative phased subdivision plan shall be modified prior to approval of the final plat.

D. Phasing: Subdivisions approved for multi-phased development may apply for final plat approval by phase, in the following manner:

1. The first phase of development shall apply for final plat approval within two years from the date of the tentative plat approval;

2. The second phase of development shall apply for final plat approval within two years after the final plat approval of the first phase;

3. Subsequent phases shall file for final plat approval within two years after the final plat approval for the preceding phase.

Amended by Ord. 30, Series 1990

Amended by Ord. 12, Series 1999

Sections 11-3-2 and 11-3-6 Amended by Ord. No. 9, Series 2009

Section 11-3-2-C-15 Amended by Ord. No. 18, Series 2011 (effective 9-19-11)

Sections 11-3-4, 11-3-5, and 11-3-7 amended by Ord. No. 11, Series 2016 (effective 11-16-16)

**MAJOR PARTITION MAP, PLAT PROCEDURE PARTITION AND SUBDIVISION FINAL PLAT**

SECTION:

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

**11-4-1: APPLICATION:** An application for ~~major partition map or a~~ partition or subdivision final plat approval shall be made by the person proposing the partition or 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. Applications for a Final Plat are reviewed through a Type I Review as defined in Section 10-1-1-6. Said applications shall be accompanied by revised plans ~~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. Partition or Subdivision Plats: Two (2) full-size copies, one (1) reduced copy of 11" x 17" or less, and an electronic copy. 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 partition or subdivision plat ~~of the major partition map~~, must contain the following with respect to the subject area:

1. ~~Transverse~~ Traverse computation sheets, ~~subdivisions only.~~ The registered engineer or licensed land surveyor signing the surveyor's affidavit on the plat shall submit ~~transverse~~ traverse 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~~ traverse 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 or parcels within the ~~within the subdivision, or all parcel lines within the major partition~~ partition or subdivision, 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 partition or subdivision ~~or major partition~~, conforming to the requirements of ORS 92 ~~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 partition or 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, parklands, multi-use trails and paths, sewage disposal and water systems, the donation of which was made a condition of approval of the tentative plat for the partition or subdivision ~~or major partition~~.
14. A copy of all protective deed restrictions, Covenants, Conditions, and Restrictions (CC&R's), easements, maintenance agreements and other documents pertaining to common improvements recorded and referenced on the plat. ~~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 partition or 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~~ division 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 FINAL PLAT 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 partition or subdivision~~ plat application as provided for in this Title, the ~~Planning Commission Director~~ shall approve, deny or, when further information is required, postpone a decision on the application. The ~~Planning Commission Director~~ may or its designee shall approve, deny or, when further information is required, postpone a decision on the application. The ~~Planning Commission Director~~ may require its designee to submit any tentative approval to the ~~Director Commission~~ for review prior to notification of the applicant. In the event of a denial, the application shall be reviewed by the ~~Planning Director Commission~~ within forty five (45) days. Approval shall be based on the following criteria: ~~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 partition or 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. The final plat is consistent in design with the approved preliminary plat, and all conditions of approval have been satisfied.~~
- E. The ~~plat or map~~ and deed contains a donation to the public of all common improvements including but not limited to streets, roads, parklands, multi-use trails and paths, sewage disposal and water supply systems, the donation of which was made a condition of the approval of the tentative plan for the partition or subdivision ~~or major partition~~ or in the case of parklands could also have been voluntarily donated.
- F. Explanations of all common improvements required as conditions of approval of the tentative plan of the partition or 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. Verification by the City that water and sanitary sewer service is available to every lot depicted on the plat.~~
- 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 partition or 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.
- J. As applicable, the applicant has furnished acceptable copies of Covenants, Conditions, and Restrictions (CC&R's), easements, maintenance agreements and other documents pertaining to common improvements recorded and referenced on the plat.
- K. The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, indicating the initial point of the survey, and giving the dimensions and kind of each

monument and its reference to some corner approved by the County Surveyor for purposes of identifying its location.

~~**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 subdivisions, the action may be evidenced by the signature of the designee. (Amd. Ord 30, Series 1990).~~

**11-4-6: EXPIRATION OF TENTATIVE PLAT 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 two (2) years ~~one year~~, ~~subdivision or major partition tentative plan~~ approval, as the case may be, is null and void, and a new application for plat or map approval must be submitted for reconsideration.

An applicant may apply to the Planning ~~Director Commission~~ for two (2) extensions of twelve (12) months each for subdivisions. A decision to extend the approval shall be based on compliance with the following criteria:

- A. The request for an extension is made in writing prior to expiration of the original approval;
- B. There are special or unusual circumstances that exist which warrant an extension; and
- C. No material changes of surrounding land uses or zoning has occurred.

Otherwise the entire procedure must be repeated for reconsideration in light of changed conditions that may exist.

~~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~~ FINAL PLAT TO COUNTY RECORDER:**

- A. ~~In the case of an approved major partition, Partition:~~ Within 60 days of City approval of the final plat, 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, Subdivision:~~ Within 60 days of City approval of the final plat, 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.

C. Prerequisites to Recording the Plat:

1. No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provided by ORS Chapter 92.

2. No plat shall be recorded until the County Surveyor approves it in the manner provided by ORS Chapter 92.

**11-4-8: DELIVERY OF RECORDED FINAL PLAT PLATS, MAPS TO CITY:** In addition to the requirements of Oregon Revised Statutes pertaining to filing and recording of approved partition or subdivision plats, the ~~subdivider~~ applicant 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)~~

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Amended by Ord No. 30, Series 1990

11-4-2-B13 & 11-4-4-E Amended by Ord 2, Series 2011 (effective 3-11-11)

TITLE 11  
CHAPTER 5

**PLATTING AND MAPPING STANDARDS**

SECTION:

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

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

- A. All streets shall comply with applicable development standards of Title 10 Chapter 36, Street Standards.
- B. 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.

**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~~ five thousand five hundred (6,55,000) or ~~nine~~ seven thousand five hundred (9,07,500) square foot lots.
  - 3. Frontage: Each lot shall have frontage of not less than twenty-five feet (25') for single-family attached, duplex, or duet developments or fifty feet (50') for all other development 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. Cluster housing developments are exempt from minimum lot frontage 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 open space, recreation and parklands and 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.~~

4. Flag Lots: Flag lots shall be permitted provided they meet the following requirements:

a. The lot has frontage and access on a public street.

b. The buildable portion of the lot is connected to the right-of-way via an accessway at least 20 ft in width.

c. A maximum of two (2) flag lots may be served by a flag lot accessway.

d. Accessway Design and Emergency Vehicle Access:

i. Accessways shall be designed and constructed in accordance with 10-35-2-12

ii. Accessways serving single flag lots shall have a minimum paved width of 12 ft

iii. Accessways shall be centered within the accessway to minimize impacts on adjoining lots except when otherwise warranted to preserve existing vegetation or meet the intent of this subsection.

iv. Frontage shall display an address at their closest point of access to a public street for emergency responders.

v. A proposed structure on a flag lot may not have its furthest point located farther than 150 ft in distance from the public right-of-way, as measured along an accessible route.

vi. Accessways serving 2 flag lots shall be consolidated and have a minimum shared paved width of 18 ft.

vii. The flag lot accessway paved surface shall be consolidated with the paved surface on the parent lot to the greatest extent practicable.

viii. The applicant submits written confirmation from the Fire Marshal that the proposed access meets emergency access needs.

ix. Parking along any portion of the accessway is prohibited unless the paved portion of the accessway is suitably sized to meet the combined needs of parking and emergency access requirements.

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 ~~Director~~ 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: PUBLIC FACILITIES:** All utilities shall comply with applicable development standards of Title 10 Chapter 36 and Title 9.

~~**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)~~

11-5-1 Amended by Ord 1, Series 1992  
Sections 11-5-1 and 11-5-3 Amended by Ord. No. 9, Series 2009  
11-5-2-B1 Amended by Ord 2, Series 2011 (effective 3-11-11)