

SUBDIVISION REGULATIONS  
FOR  
THE CITY OF FLORENCE, COLORADO

The City of Florence  
County of Fremont  
State of Colorado

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ADOPTED JULY, 1995

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CITY OF FLORENCE SUBDIVISION ORDINANCE

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ORDINANCE NO. 9-95

AN ORDINANCE ADOPTING NEW SUBDIVISION REGULATIONS  
AND REPEALING AND RE-ENACTING CHAPTER 16.01 OF TITLE 16  
OF THE FLORENCE MUNICIPAL CODE

WHEREAS, the Planning Commission of the City of Florence, Colorado held a public hearing on April 20, 1995, due notice of which was provided, regarding the adoption of new Subdivision Regulations for the City of Florence, Colorado; and

WHEREAS, said Regulations consist of a Subdivision Ordinance and resolutions regarding public improvements, design and construction standards, land dedication requirements, an administrative procedures manual, and a fee schedule; and

WHEREAS, on June 15, 1995 said Planning Commission recommended that the City Council adopt the new Subdivision Regulations; and

WHEREAS, the City Council of the City of Florence, Colorado held a public hearing on June 19, 1995, due notice of which was provided, regarding the adoption of new Subdivision Regulations for the City of Florence, Colorado; and

WHEREAS, the City Council of the City of Florence, Colorado believes it is in the best interests of the City to adopt new Subdivision Regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FLORENCE:

Chapter 16.01 of Title 16 of the Florence Municipal Code is hereby repealed and re-enacted as follows:

Chapter 16.01

GENERAL REGULATIONS

Sections:

- 16.01.010 Subdivision regulations adopted.
- 16.01.020 Penalty for illegal subdividing.

16.01.010 Subdivision regulations adopted. The City Council of the City of Florence has adopted regulations governing the subdivision of land within the City of Florence. Copies of the regulations, consisting of a Subdivision Ordinance and resolutions regarding public improvements, design and construction standards, land dedication requirements, an administrative procedures manual, and a fee schedule, are available for public distribution and may be obtained from the Florence City Manager or the Florence City Clerk.

16.01.020 Penalty for illegal subdivision. Any person or agent of a person, subdivider or agent of a subdivider who sells, transfers or conveys, or attempts to sell, transfer or convey property which has been subdivided and which is subject to the provisions of the Subdivision Ordinance, without first obtaining approval of the subdivision of the property, or the sale, transfer or conveyance of the property, in accordance with the provisions of the Subdivision Ordinance shall be charged with a misdemeanor and if convicted of such charges, shall be punished by a fine of not exceeding \$100.00 dollars for each parcel which is sold, transferred or conveyed, or offered for sale. The time limit for initiating legal action under the provision of this section shall be twenty-four (24) months from the date of the alleged infraction. The City Council of the City of Florence shall have the power to bring an action to enjoin any person or agent of any person from selling, or offering for sale, subdivided land which is subject to the provisions of the Subdivision Ordinance without first obtaining the necessary approvals from the City Council, in accordance with the applicable provisions of the Subdivision Ordinance.

Introduced as a bill and passed on its first reading and ordered published in the City's official newspaper this 19th day of June, 1995.

  
\_\_\_\_\_  
Mayor Pro Tem

Attest:

  
\_\_\_\_\_  
City Clerk

Published June 22, 1995, in the Florence Citizen.

Passed on its second reading and ordered published in the City's official newspaper this 3rd day of July, 1995.

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
City Clerk

Published July 6, 1995, in the Florence Citizen.

## ARTICLE I. GENERAL PROVISIONS

### SECTION 1. TITLE

An Ordinance establishing rules, regulations and standards governing the subdivision of land within the incorporated areas of the City of Florence, setting forth the procedure to be followed by the City Council, the Planning Commission and employees of the City in applying and administering these rules, regulations and standards, and setting forth the penalties for the violation thereof as established by law. Incorporates by reference the following Resolutions which relate to the subdivision of land and the improvements thereon and establishes administrative procedures for administering this Ordinance and establishes fees, as they may be from time to time amended by the City Council:

- A. Resolution Number 21-95. Public Improvements Required, Design and Construction Standards and Land Dedications for the City of Florence Colorado.
- B. Resolution Number 22-95. Administrative Procedures Manual for Land Development Cases in the City of Florence Colorado.
- C. Resolution Number 23-95. Fee Schedule for Subdivisions, Resubdivisions and Related Procedures in the City of Florence Colorado.

### SECTION 2. SHORT TITLE

This Ordinance together with the Resolutions incorporated by reference shall be cited as the "City of Florence Subdivision Regulations."

### SECTION 3. PURPOSE

The purpose of this Ordinance is to:

- A. To promote the health, safety and general welfare of the residents of the City of Florence.
- B. To promote efficient and orderly growth.
- C. To establish adequate and accurate records of land subdivision.
- D. To provide adequate , safe and efficient public utilities and improvements, and to provide for other community facilities and land for public places.

#### **SECTION 4. AUTHORITY**

The City Council of Florence, Colorado is empowered, by law, to adopt and enforce subdivision regulations for the corporate limits of the City of Florence, Colorado and in adjacent unincorporated territory within five miles of the corporate limits as per Colorado Revised Statutes 1973, Section 31-23-213 and 31-23-214 as amended.

#### **SECTION 5. ENFORCEMENT AND PENALTIES**

- 5.1 No person or agent of a person shall subdivide any parcel of land which is located in the City of Florence into two or more parcels except in compliance with this Ordinance. No person shall offer for recording, in the office of the County Clerk and Recorder, any deed conveying a parcel of land, or interest therein, unless such a parcel of land has been subdivided, or otherwise created, in compliance with the rules set forth in this Ordinance.
- 5.2 No lot within a subdivision created prior to the effective date of this Ordinance or approved by the City Council under the provisions of this Ordinance shall be further divided, rearranged, or reduced in area, nor shall the perimeter boundaries of any subdivision, or any lot within a subdivision, be altered in any manner without the approval of the City Council and as provided for in this Ordinance.
- 5.3 All officials and employees of the City of Florence who are vested with the authority to issue permits by the City Council or by state statute, shall not issue permits, record documents, conduct inspections or otherwise perform any duties or administrative actions that are not in conformance with the provisions of this Ordinance.
- 5.4 Any person or agent of a person, subdivider or agent of a subdivider who sells, transfers or conveys, or attempts to sell, transfer or convey property which has been subdivided and which is subject to the provisions of this Ordinance, without first obtaining approval of the subdivision of the property, or the sale, transfer or conveyance of the property, in accordance with the provisions of this Ordinance shall be charged with a misdemeanor and if convicted of such charges, shall be punished by a fine of not exceeding one hundred (\$100) dollars for each parcel which is sold, transferred or conveyed, or offered for sale. The time limit for initiating legal action under the provision of this Ordinance shall be twenty-four (24) months from the date of the alleged infraction. The City Council of the City of Florence shall have the power to bring an action to enjoin any person or agent of any person from selling, or offering for sale, subdivided land which is subject to the provisions of this Ordinance without first obtaining the necessary approvals from

the City Council, in accordance with the applicable provisions of this Ordinance.

**SECTION 6. AMENDMENT**

Amendments to this ordinance shall require a public hearing before the Florence Planning Commission and the Florence City Council. Notice of the public hearing shall be published in the official city newspaper at least fifteen (15) days prior to the hearing.

**SECTION 7. SEVERABILITY**

If an article, section, sub-section, sentence, clause or phrase of these Subdivision regulations is for any reason held to be invalid or unconstitutional, the same shall not affect the validity of these regulations as a whole or any part or provision thereof, other than the part so adjudged to be invalid or unconstitutional.

**SECTION 8. EFFECTIVE DATE**

This Ordinance shall be effective 30 days following the publication of the Second Reading by the City Council of the City of Florence.

**SECTION 9. DEFINITIONS**

**A. RULES OF CONSTRUCTION**

1. The particular controls the general.
2. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
3. Words in the present tense include the future unless the context clearly indicates the contrary.
4. Words used in the singular number include the plural, and words used in the plural number include the singular unless the context clearly indicates the contrary.
5. Any definition used in the applicable statutes, regulations or rules of the State of Colorado or the United States may be used in these Subdivision Regulations; and if the aforesaid definitions conflict with the definitions herein by virtue of subsequent amendment, then the aforesaid definitions shall control.

**B. DEFINITION OF TERMS**

**ACCELERATION LANE** . A speed change lane, including tapered areas, for the purpose of enabling a vehicle entering a roadway to increase its speed to a rate which it can more safely merge with through traffic.

ALLEY. A right of way that is not classified as a street, which usually provides access to properties from the rear property line.

APPLICANT. The person or agent of a person, upon proof of ownership, who applies for and signs an application for a land development change.

BLOCK. Shall mean an area of land within a subdivision which area is bounded entirely by streets, highways, or public ways, except alleys or the exterior boundary or boundaries of the subdivision and which contains one or more lots.

CENTERLINE. A line painted or marked upon a roadway for the purpose of separating opposing traffic, or, if not indicated, an imaginary line of equal distance between the opposite curb lines or right-of-way lines of a roadway.

CITY COUNCIL. The City Council of the City of Florence, Colorado

CITY MANAGER. When herein used shall be deemed to mean the City Manager or his designee.

COLLECTOR STREET - (See Streets)

CONVEYANCE. Any sale, trade, disposition or other transfer of the fee title of land from one party to another.

CORRECTION PLAT. A plat which corrects any errors in original Plat.

CROSSWALK. That portion of a roadway included within the prolongation or connection of the lateral lines of sidewalks at intersections, or any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.

CUL-DE-SAC. (See Streets)

DEAD END STREET. A street having only one outlet for vehicular traffic and which does not meet the standards or definitions of a cul-de-sac.

DECELERATION LANE. A speed change lane, including tapered areas, for the purpose of enabling a vehicle leaving a roadway to decrease its speed to a rate which it can more safely enter a driveway or side street.

DEDICATIONS. Any streets, parks and other places designated or described as for public use on a map or subdivision plat of the City of Florence, and which the fee title will be or has been vested in the City.

DESIGN STANDARDS OR DESIGN REQUIREMENTS. All requirements and regulations relating to design and layout of subdivisions and design of public improvements as set forth in these Subdivision Regulations.

DEVELOPMENT REVIEW TEAM. A staff committee appointed by the City Manager to advise the City Manager on land development issues.

DWELLING UNIT. Any structure, or part thereof, designed to be occupied as the living quarters of an individual, a family or a household unit.

EASEMENT. A grant by a property owner for the use of land by another person or some other specific purpose.

EVIDENCE. Shall mean any map, table, chart, contract or other document or testimony prepared or certified by a qualified person to attest to a specific claim or condition, which evidence shall be relevant and competent.

FLOW LINE TO FLOW LINE. A term used to describe the surface of a street or road from the back of the curb on one side to the back of the curb on the other side.

IMPROVEMENT PLAN. The maps or drawings accompanying a subdivision plat showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of Appendix A of this Ordinance.

IMPROVEMENTS. Streets, curbs, gutters, sidewalks, pedestrian walks, water mains, fire hydrants, sanitary sewers, storm sewers and drainage facilities, gas lines, underground and overhead electric and telephone lines, street trees, street lights, other such items designated herein and as may be designated by the City, subject to approval of the City Council.

LOCAL STREET OR NEIGHBORHOOD STREET. (See Streets)

LOT. A portion of a subdivision or other parcel or tract of land intended as a unit for the transfer of ownership or for development.

1. Corner Lot - A lot, having its front and one side adjacent to a street.
2. Flag Lot - A lot, the main use area or building area of which does not abut a public street, but is connected thereto by a strip of land which is a part of the lot.
3. Double Frontage Lot - A lot having both front and rear property lines adjacent to streets.

MAJOR COLLECTOR. (See Streets)

MAJOR STREET PLAN. That portion of the Master Plan which delineates the locations of principal arterial, minor arterial, and collector streets.

MASTER PLAN. The Master Plan for development of the City of Florence prepared and adopted by the Planning Commission and City Council, pursuant to state law, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof.

MEDIAN. An area marked or constructed upon a roadway, or between two adjacent roadways, for the purpose of separating opposing traffic.

MEETING. When used in this Ordinance the term Meeting shall mean any regular or special meeting of the City Council, the Planning Commission or other appointed Boards of the City of Florence. The term Meeting does not refer to an official Public Hearing.

MINOR ARTERIAL. (See Streets)

MINOR COLLECTOR. (See Streets)

PERMANENT MONUMENT. Any structure of masonry and/or metal permanently placed in or on the ground, including those placed there expressly for surveying reference.

PLANNED UNIT DEVELOPMENT (PUD). An area of land improved as a development in which normal restrictions of lot sizes, setbacks, densities, land uses, and other criteria may be relaxed in return for development conformance to an approved plan for the total parcel.

PLANNING COMMISSION. The Planning Commission of the City of Florence, Colorado.

PLAT. A map of certain described land prepared for the purpose of subdividing land in conformance with this Ordinance or amending, revising or vacating an existing subdivision:

1. Preliminary Plat - A map or maps showing the preliminary design of a proposed subdivision, together with such information, supporting data and other requirements as are necessary to comply with provisions of these Regulations.
2. Final Plat - A map or maps indicating the final design of the proposed subdivision supported by the necessary engineering data and legal documentation, as set forth in these regulations and in the Colorado Revised Statutes,

and is filed and recorded in the office of the County Clerk and Recorder.

3. Vacation Plat - A map indicating a proposed vacation of a subdivision, or a portion thereof, to raw acreage.

PLAT RESTRICTION. A prohibition on the sale or conveyance of lots, or, issuance of building permits in all or part of a subdivision until certain public improvements have been completed.

PRINCIPAL ARTERIAL. (See Streets)

PUBLIC HEARING. A Hearing held by the City Council or Planning Commission after public notice.

PUBLIC UTILITY. Any person, firm, or corporation, public or private, providing gas, electricity, water, irrigation ditch or laterals, stream, telephone, cable television, sanitary or storm sewers, or any other services of similar nature.

PUBLIC UTILITY FACILITIES. Improvements which include gas lines, water mains, sanitary or storm sewer mains, electrical or telephone cables and lines, television cable, fire hydrants, or other facilities for the provision of utilities.

RECORDING. An action by the office of the County Clerk and Recorder which enters into the County records instruments such as subdivision plats, deeds, easements and other documents.

RESUBDIVISION OR REPLAT. Any change to be made on an approved or recorded plat including, but not limited to, realignment of lot, block, or tract lines; division of any lot, block, or tract into additional lots, blocks or tracts; correction of any errors in the original plat; or areas reserved for public use.

ROADWAY. That portion of a highway improved, designed, or ordinarily used for vehicular traffic.

STREET. (Design and construction standards for streets marked with an asterisk (\*) are contained in Appendix A.)

1. Expressway - A divided roadway which permits rapid and relatively unimpeded movement of traffic through and around a community serving major traffic generators within the community and connecting with major access routes into the community. Access is controlled on this type of facility.
2. Principal Arterial - Streets which permit rapid and relatively unimpeded traffic movement throughout communities and which connect major land use elements with one another. The major function is to serve through

traffic. The secondary function is to serve abutting property. This functional description pertains to both four and six lane facilities.

3. Minor Arterial - A street intended to collect and distribute traffic in a manner similar to principal arterial, except that these roads serve minor traffic generating areas such as community- commercial areas, primary and secondary educational plats, hospitals, major recreational areas, churches, and office, and/or designed to carry traffic from collector streets to the system of principal arterial.
4. Major Collector\* - A street intended to move traffic from local roads and minor collectors to arterials and to provide access to existing properties.
5. Minor Collector\* - A street intended to move traffic from local roads to major collectors and arterials and to provide access to existing properties, and which by design standards is a lower classification than a major collector.
6. Minor (Local) Street\* - Streets designed to service the needs of the neighborhood and to provide direct access to abutting properties. Through traffic movements are discouraged on this type of facility.
7. Cul-De-Sac\* - A local street with only one outlet and which terminates on the opposite end in a vehicular turn around.
8. Half Street - A street parallel and contiguous to a property line and of lesser right-of-way width than is required for a minor or major street.
9. Frontage Road - A street designed to provide access to property which abuts on a limited access highway.
10. Stub Street - A street or road extending from within a subdivision boundary and terminating there with no permanent vehicular turn around. Stub Streets are provided to permit adjacent undeveloped parcels of land to be developed later with an adjacent connecting street system.
11. Lane\* - A street of that serves a limited number of lots and which by design standards is a lower classification than a local street.
12. State Highway - A "state highway" is a right-of-way or location, whether actually used as a highway or not,

designated for the construction of a state highway upon it as specified in CRS 1973 43-1-204.

**STREET PROFILE.** A drawing reflecting a proposed or existing section of a road, street or alley for which right-of-way is to be conveyed or dedicated to the City of Florence for road purposes. It may be an existing or designed profile, and may reflect either a centerline and/or both flow lines or curb lines of a road, street or alley.

**SUBDIVIDER.** Any person, firm, partnership, joint venture, association, or corporation who shall participate as owner, promoter, developer, or sales agent in the planning, platting development, promotion sale or lease of a subdivision.

**SUBDIVISION IMPROVEMENTS AGREEMENT.** The contract or instrument used to specify the public improvements required in a subdivision and containing one or more security arrangements which may be accepted by the City of Florence to secure the construction of such public improvements.

**SUBDIVISION OR SUBDIVIDED LAND.** The term "subdivision" means the division of any lot, tract or parcel of land into two or more parcels or lots, plats, sites, or other division of land for the purpose, whether immediate or in the future, of sale or planned developments, whether or not a plat has been recorded.

## **ARTICLE II. PLATTING REQUIREMENTS**

### **SECTION 1. GENERAL PROCEDURES**

1.1 Any person who wishes to subdivide land in the City of Florence should first meet with the City Manager. The City Manager will explain the City's requirements for subdividing, the procedure that must be followed, the application fees required to process a subdivision plat and the minimum time that the process requires. The City Manager will provide, if requested, an Application for Subdivision Approval, and a subdivision procedure checklist. A copy of the Subdivision Ordinance may be purchased.

#### **1.2 Pre-submittal Meeting:**

A presubmittal meeting is required unless waived by the City Manager. The Applicant is required to bring the following material to the presubmittal meeting, unless waived by the City Manager:

- A. A copy of the current City of Florence Subdivision Regulations.

- B. A copy of the City of Florence Master Plan.
- C. A sketch plan of the proposed subdivision showing the following:
  - 1. A general legal description of the property to be subdivided referenced to the United States Government Survey.
  - 2. A vicinity map showing the location of the property in relation to major highways or natural features in the area.
  - 3. All proposed lots with general dimensions or lot sizes.
  - 4. Topographic contours from available data such as USGS maps.
  - 5. General location and alignment of proposed streets.
  - 6. General floodplain limits, such as FEMA, and major drainage paths through the area.
  - 7. Location of areas proposed for open space.
  - 8. A statement of how utility services will be provided.

The City Manager will advise the applicant regarding the consistency of the sketch plan with the general intent of the subdivision regulations and the Master Plan and the responsibility of the applicant for required public improvements and land dedication.

The comments and suggestions of the City Manager shall be advisory only and shall not be construed as an official directive or as City policy, nor shall the comments of the City Manager constitute an official approval or disapproval of the applicant's request.

### **1.3 Platting Process**

Approval of subdivisions is a two step process requiring approval of a preliminary plat and a final plat:

- A. The preliminary plat shall be submitted and processed in accordance with provisions of Article II, Section 2 of this Ordinance; and
- B. The final plat shall be submitted and processed in accordance with the provisions of Article II, Section 3 of this Ordinance.

- C. Under special circumstances an exemption for a Minor Subdivision which allows for a combined sketch plan and final plat may be submitted and processed. Minor Subdivisions shall be submitted and processed in accordance with the provisions of Article II, Section 4 of this Ordinance.
- D. Resubdivisions shall follow the same procedure as a new subdivision except as otherwise provided in Article II, Section 5 of this Ordinance.

## SECTION 2. PRELIMINARY PLAT

### 2.1 Intent

A preliminary plat is the first official document submitted when owners of a property wish to subdivide their property. The preliminary plat shall include all the property the owner intends to subdivide. Approval of the preliminary plat does not constitute approval of the subdivision. Only approval of the final plat by the City Council constitutes official subdivision approval by the city.

### 2.2 Preliminary Plat Requirements

An application for preliminary plat approval shall include an original and ten copies ( unless otherwise noted) of the following:

- A. Land Development Application Form with all requested information completed and, required signatures.
- B. A Letter of Intent signed by the applicant subdivider which explains the purpose of the application and includes all requests and justification for any variances from the standards, or waivers of submittal requirements.
- C. Proof of ownership of the property to be subdivided. A subdivider shall include an original and one copy of an Affidavit of Ownership signed and notarized by all owners of the property. If the property is owned by a corporation, an authorized officer shall sign the Affidavit. If the applicant is different from the property owner, documentation of the applicant's authority to act for the owner shall be included.
- D. Payment of the processing fee.
- E. A preliminary plat map which shall be a print of a 24"x 36" matte mylar drawn in black ink or a blackline positive mylar of the same and shall contain the following information:
  - 1. Name of subdivision, type of proposal (preliminary plat), legal description of the total land area referenced to township, range, section; county and

state, date of the drawing, scale 1:100 or larger, and north arrow;

2. Vicinity map with North arrow (scale of 1"=2000' preferred) with an emphasis on the major roadway network within one (1) mile of the proposed subdivision;
3. Boundary lines of the proposed subdivision drawn in a heavy solid line.
4. Existing zoning district boundary lines;
5. Existing contours with intervals of two (2) feet or less within the tract and at least one hundred feet (100') immediately adjacent thereto. In the absence of available two foot contour data, the contour intervals must be deemed acceptable by the City Manager.
6. All parcels of land to be dedicated for public use or reserved for the use of all property owners in the proposed subdivision together with the purpose and conditions of such reservations. This shall include the names, locations and widths of proposed rights-of-way of streets and alleys, together with total lineal footage of streets and alleys.
7. Location, width and purpose of all existing and/or proposed, public and/or private easements including existing and/or proposed sanitary sewers, utility main lines, culverts, storm sewers and stormwater detention areas located within the tract and at least one hundred feet (100') immediately adjacent thereto.
8. Dimensions of proposed lots and blocks calculated to the nearest foot.
9. Drainage channels, wooded areas and other significant natural features within the tract and at least one hundred feet (100') immediately adjacent thereto.
10. Location, widths and names of all existing and/or platted rights-of-way for streets or other public ways within the tract and at least one hundred feet (100') immediately adjacent thereto, railroad right-of-way, section lines and/or other such features.
11. The boundary and source of reference of any one hundred year floodplain shall be shown on the preliminary plat. In the absence of reliable floodplain data, any areas of the plat that are known to be subject to flooding shall be delineated and noted on the plat map.

12. The appropriate sight distance triangle shall be designated and dimensioned at each roadway intersection.
  13. If a perimeter fence is proposed, the fence line shall be delineated and a description of the type and height of the fence included.
  14. Name(s) of adjacent property owners.
  15. Site development details:
    - a) total land area in acres;
    - b) existing zoning of the property; and
    - c) total number of proposed dwelling units.
  16. Names and addresses of the owner(s), subdivider and surveyor.
- G. A letter describing the water and sanitary sewer facilities proposed for the subdivision. If either the water or sanitary sewer facilities are to be individual wells and septic systems for each lot, the letter will include a statement that the wells and septic systems will be installed in conformance with the rules and regulations of the Colorado Department of Health.
- H. A description and the estimated construction costs for roads, for the water supply and distribution systems, for sanitary sewer collection and treatment systems, storm drainage facilities and other such public facilities that may be required. The subdivider shall also state the form of collateral that will be provided to insure that such improvements will be completed. The forms of collateral that are acceptable to the City are listed in Appendix A, PART III, DEVELOPERS AGREEMENT.
- I. A Phase I Drainage Study as specified in Appendix A, Part II, Public Improvement Design and Construction Standards.
- J. Other documents and information as may be deemed necessary by the City Manager.

### **2.3 Design Standards**

The lot and block configurations, alignment of streets, location of dedicated land, and other subdivision design elements shall be in conformance with the standards listed in Appendix A, Part II, Section 1, General Subdivision Design Standards.

## 2.4 Conformance to Zoning Ordinance

No application for a Preliminary Plat shall be accepted by the City Manager if the proposed development is not in compliance with the Zoning Ordinance.

## 2.5 Procedures and Process

Upon receipt of an application for preliminary plat approval, the City Manager shall:

- A. Verify that the Application is complete and in accordance with the submittal requirements of the Subdivision Regulations. Verification shall be documented through the use of the Subdivision Check List contained in the Administrative Procedures Manual. In the event the Application is deemed incomplete by the City Manager, the Application and all accompanying materials and documents shall be returned to the applicant with a letter specifying the deficiencies, and a copy of the Subdivision Check List.
- B. If the Application is deemed complete, or a previously rejected Application as been resubmitted with the deficiencies corrected, the City Manager will schedule the Application for a Planning Commission Public Hearing within 30 days of the date the Application was officially accepted.
- C. The City Manager shall notify all property owners within 300 feet of the boundary of the proposed subdivision that an application for preliminary plat approval has been accepted. Such notification shall include the name of the Subdivider and the general location of the proposed subdivision. The notice shall also state the date and time of the Planning Commission hearing at which the Preliminary Plat request will be heard. The property owners to be notified shall be the owner of record as shown in the records of the County Assessor. Notification shall be by registered mail.
- D. The review and processing procedures for preliminary plats are contained in the Administrative Procedures Manual of the City of Florence.
- E. After the request for preliminary plat approval has been heard by the Planning Commission, the Planning Commission shall take one of the following actions:
  1. Approve with or without conditions.
  2. Table to a date certain for more information. Final action must be taken within thirty (30) days from the date the item was tabled, unless the applicant requests and is granted additional time by the Planning Commission.

3. Deny the request based on non-compliance with the Subdivision Regulations.
- F. If the Planning Commission denies the request for Preliminary Plat approval, or approves with conditions, the Applicant may appeal the decision or the conditions to the City Council through a request to the City Manager. An appeal must be made within 15 days of the action by the Planning Commission.

### **SECTION 3. FINAL PLAT**

#### **3.1 Intent**

The Final Plat is the last stage in the subdivision approval process. At this stage the subdivider is responsible for delineation and dedication of all public rights-of-way and easements, dedication of other public lands, if required, and final lot and block configuration. In addition, all public improvements associated with the subdivision are identified and quantified, and the subdivider is required to enter into a Subdivision Improvements Agreement with the City which guarantees that the appropriate improvement costs are borne by the subdivider.

#### **3.2 Final Plat Requirements**

The Final Plat shall be substantially consistent with the approved Preliminary Plat and with all amendments to the Preliminary Plat. An application for final plat approval shall include the following:

- A. An "Application for Land Development Approval" with all requested information completed and required signatures.
- B. A letter of intent describing the proposed subdivision and identifying and justifying all requested Waivers or Variances.
- C. A copy of the approved Preliminary Plat.
- D. Title or an abstract of title covering all public lands required to be dedicated, except streets and easements.
- E. A Final Plat map which shall be a print of 24"x 36" matte mylar drawn in black ink or a blackline positive mylar of the same, which shall contain the following information:
  1. Name of the subdivision, name of the county (Fremont) and state (Colorado), and the location and legal description of the subdivision referenced to section, township and range;

2. North arrow, scale, (1:100 or larger) dates of original drawing, and subsequent revisions and sheet number;
3. Vicinity map ( scale of 1:2000' preferred ) showing the subdivision in relation to government section lines and major roads or highways within one mile;
4. Owners and mortgagee's Certificate of Dedication of public rights-of-way and easements, and the surveyor's Certificate of Survey, his or her seal, and the date of survey;
5. Boundary of the subdivision in a heavy solid line with a small circle at each change in direction;
6. Planning Commission Chairman and Mayor of the City of Florence signature blocks, certificate of the City's acceptance of public right-of-way and easements and public land dedications, and the County Recorder's Book and Page line.
7. The location and description of all section corners and permanent survey monuments in or near the subdivision and all survey data shall be as specified in The Manual of Instruction for the Survey of Public Lands , 1977, except as modified by Colorado Revised Statues 38-51-101 through 103.
8. The length of subdivision perimeter boundary lines in feet and decimals thereof. Boundary lengths, bearings and angles must close within the limits of one (1) in two thousand (2000)
9. The ownership of lands abutting the subdivisions, or the name of any adjacent subdivision.
10. The delineation, dimensions and names of all proposed public roads and access easements to public rights-of-way and adjacent roads and rights-of-way.
11. The lines of all proposed lots fully dimensions by length and widths in feet and decimals thereof, and the acreage for each lot, shown within the lot lines.
12. The address of each lot.
13. The blocks numbered consecutively throughout the subdivision, and the lots numbered consecutively throughout each block, with the areas to be excluded from the plat marked "Reserved" or "Not a Part".

14. The outline and notification of any property which is offered for dedication to public use fully dimensioned by lengths and bearings or angles with the area marked "public".
  15. The identification, location and dimensions of all easements for public services or utilities, and the line delineating the perimeter fencing if fencing required.
  16. The identification and designation of the boundaries of any 100 year floodplain or areas subject to flooding, and the source of the designation.
  17. The appropriate traffic sight triangle shall be designated on lots located at the intersection of roadways.
  18. A note disclosing that there are private restrictive covenants on the property and an acknowledgement that the City has no responsibility for enforcing the covenants.
  19. Other plat notes as may be required by the City Council.
- E. A Phase II Drainage Study as specified in Appendix A, PART II, Section 2, Public Improvements Design Standards.
  - F. Two sets of preliminary construction plans for the public improvements prepared in accordance with the requirements contained in Appendix A., PART II, Public Improvement Design and Construction Standards.

### 3.3 Process

- A. The City Manager shall review the application for Final Plat approval to determine whether it is substantially consistent with the approved preliminary plat and with the requirements of this Ordinance.
- B. If the City Manager determines that the Final Plat application is not in compliance with the approved Preliminary Plat, or with the requirements of this Ordinance, the subdivider will, within fifteen days of submittal, be provided a check list of the deficiencies and other information to assist in correcting the application.
- C. Upon determination that the application for Final Plat is complete and consistent with the approved Preliminary Plat and the requirements of this Ordinance, the City Manager shall schedule the Final Plat for the next Planning Commission meeting. The processing of the Final Plat is described in the Administrative Procedures Manual.

- D. The Planning Commission will review the Final Plat and forward their recommendations to the City Council.
- E. The applicant will make the necessary revisions to the Final Plat and submit deeds for any required dedicated land and a check for any outstanding fees or payments to the City Manager.
- F. Upon receipt of the revised Final Plat, deeds and payments, the City Manager shall schedule the Final Plat for a City Council meeting. The City Council meeting at which the Final Plat is presented shall be at least 10 days after the Planning Commission has made their recommendation.
- G. The City Council shall review the Final Plat at a public meeting. After their review, the Council shall take one of the following actions:
  - 1. Approve as submitted.
  - 2. Approve with conditions.
  - 3. Table to a date certain.
  - 4. Deny on the grounds of failure to meet the requirements of this Ordinance.

#### **3.4 Actions Required Prior to Recording of the Final Plat**

No plat shall be recorded until it has been:

- A. Approved by the City Council.
- B. A signature mylar has been prepared with all required revisions, signed by the land owner(s), mortgage holders and the surveyor, surveyors seal and registration number shown, the signature of the Planning Commission Chairman and Mayor of the City and attested by the City Clerk;
- C. An approved Subdivision Improvements Agreement has been executed and filed with the City Clerk.

#### **3.5 Recording**

The City Clerk shall cause the Final Plat, the Subdivision Improvements Agreement, and any deeds of dedicated land to be recorded at the offices of the Fremont County Recorder as soon as possible after the City Council has approved the Final Plat and signed the mylar.

## **SECTION 4. MINOR SUBDIVISIONS**

### **4.1 Intent**

A Minor Subdivision is a type of Exemption that allows certain divisions of land without going through the full preliminary plat process if, in the opinion of the City Manager, they meet the following criteria:

- A. The number of new lots does not exceed three (3).
- B. The proposed subdivision contains all the contiguous property owned or under control of the applicant. Minor Subdivisions are not to be permitted when it is the first stage of a larger subdivision.
- C. There are no additional public improvements required or the public improvements would be minimal such as utility hook-ups, provision of a short cul-de-sac, etc.

### **4.2 Council May Reject Application**

Notwithstanding the acceptance of the application by the City Manager, The City Council may determine that an application for a Minor Subdivision does not meet the criteria. In this event the proposed subdivision must meet the full preliminary and final plat requirements of this Ordinance.

### **4.3 Submittal Requirements and Process**

A Minor Subdivision is a combination of a sketch plan and a final plat and the submittal requirements and process shall be as specified as follows:

1. Submittal Requirements for the Sketch Plan Phase are as specified in Article II, Section 1.2 C.(1-8).
2. Processing of the sketch plan is as specified in the Administrative Procedures Manual.

### **4.4 Approval of a Minor Subdivision**

A. Upon determination by the City Manager that the submittal requirements for a Minor Subdivision have been met, the Sketch Plan and supporting materials will be scheduled for the next regular Planning Commission meeting for their review and recommendation.

#### **B. Planning Commission Action**

The Planning Commission will review the Sketch Plan and take one of the following actions:

1. Find that the sketch plan meets the criteria for a Minor Subdivision and the applicant should proceed to the final plat stage.
2. Find that the sketch plan does not meet the criteria for a Minor Subdivision and the applicant should go through the full preliminary plat process
3. Table consideration of the sketch plan.

#### C. Final Plat Phase

Upon completion of the Planning Commission action on the sketch plan, the applicant shall prepare a final plat of the proposed Minor Subdivision. The final plat submittal requirements, process and approval shall be as specified in Article II, Section 3 of this Ordinance.

- D. Upon receipt of the Planning Commission recommendation, the City Manager shall schedule the final plat of the Minor Subdivision for a regular meeting of the City Council who shall take one of the following actions:
  1. Approve with or without conditions.
  2. Deny on the grounds that it does not meet the criteria for a Minor Subdivision.
  3. Table to a date certain.
- E. If the City Council approves the Minor Subdivision, the Applicant shall prepare a signature mylar which shall be in the same format and contain the same information as required for a Final Plat.
- F. The final plat of a Minor Subdivision shall be recorded as a regular Final Plat.

### SECTION 5. RESUBDIVISIONS

Resubdivisions are to be processed as new subdivisions, unless they qualify as a minor resubdivision/minor amendment under Section 6 below.

### SECTION 6. MINOR RESUBDIVISIONS

#### 6.1 Intent

The Minor Resubdivision may only be used for amendments, changes and revisions to a Final Plat that have been determined by the City Council to be of a minor engineering, planning or administrative

nature. The criteria used by the Council, the Planning Commission and the City Manager in interpreting this section shall be:

- A. The land has already been subdivided and there exists a Final Plat which was approved after January 1, 1987.
- B. No additional right-of-way dedications or public improvements are necessary;
- C. No perimeter boundary of an existing subdivision plat is affected;
- D. The perimeter of boundaries of the Minor Resubdivision coincide with the existing lots and blocks; and
- E. The number of lots shall not be increased and all lots shall be in conformance with the City Zoning Ordinance in affect at the time the Minor Resubdivision is approved.

#### **6.2 Procedure.**

Requests for a Minor Resubdivision Minor Amendment shall include an Application for Subdivision Approval and supporting documentation as specified in the Administrative Procedures Manual.

#### **6.3 Approvals**

- A. Except for lot line adjustments and interior lot line vacations, a Minor Resubdivision of a Final Plat is to be reviewed by the City Council.
- B. Minor Resubdivisions and Minor Amendments that involve only the moving or vacating of an interior lot line may be approved by the City Manager.

### **SECTION 7. MINOR AMENDMENTS**

#### **7.1 Intent**

Minor Amendments may only be used for amendments, changes and revisions to an approved Preliminary Plat that have been determined by the Planning Commission to be of a minor engineering, planning or administrative nature. The criteria used by the Council, the Planning Commission and the City Manager in interpreting this section shall be:

- A. The land has already been subdivided and there exists a Preliminary or Final Plat which was approved after January 1, 1987.
- B. No additional right-of-way dedications or public improvements are necessary;

- C. No perimeter boundary of an existing subdivision plat is affected;
- D. The perimeter of boundaries of the Minor Amendment coincide with the existing lots and blocks; and
- E. The number of lots shall not be increased and all lots shall be in conformance with the City Zoning Ordinance in affect at the time the Minor Amendment is approved.

## 7.2 Procedure.

Requests for a Minor Amendment shall include an Application for Subdivision Approval and supporting documentation as specified in the Administrative Procedures Manual.

## 7.3 Approvals

- A. Except for lot line adjustments and interior lot line vacations, Minor Amendments to an approved Preliminary Plat when no Final Plat has been requested are to be reviewed by the Planning Commission.
- B. Minor Amendments that involve only the moving or vacating of an interior lot line may be approved by the City Manager.

# ARTICLE III. RELATED PROCEDURES

## SECTION 1. EXEMPTIONS

### 1.1 Intent

Any sale or transfer of land specifically exempted from subdivision regulation by State Statute shall not be required to be in conformance of this ordinance.

- A. The City Council may by Resolution exempt certain sales, transfers and conveyances of land from part or all of the requirements of this Ordinance and such sales, transfers and conveyances may be recorded when accompanied by a certified copy of the City Council Resolution approving the Subdivision Exemption.
- B. The City Council may grant exemptions from part or all of the requirements of this Ordinance when one or more of the following conditions have been met:
  - 1. The land was a "Parcel of Record" prior to the enactment of this Ordinance.

2. Land which is being divided for purposes other than real estate development including cemetery lots and other land divisions of a similar nature;
3. Land which is being divided for purposes of separating ownership only and no development is planned or proposed. "Separation of Ownership" exemptions shall prohibit the issuance of building permits. Separation of Ownership shall be considered, but not limited to, properties being divided due to inheritance, divorce decree, mortgage foreclosures, or other order of a court of competent jurisdiction;
4. The division of agricultural land into separate agricultural parcels of not less than ten (10) acres and the number of new parcels shall not be greater than 3 in number;
5. When two or more persons have an undivided interest in land and they desire to divide that interest and there is no development intent.
6. The land qualifies for a Minor Subdivision as specified in Article II, Section 4 of this Ordinance.

#### **1.2 Procedure**

- A. A request for a Subdivision Exemption shall be made by submitting a Subdivision Approval Application and other supporting material, as specified in the Administrative procedures Manual, to the City Manager who shall schedule the request for a regular meeting of the City Council.
- B. The City Council, upon determination that the Subdivision Exemption request meets the criteria for Exemption, may by Resolution exempt the land from the provisions of this Ordinance. The Council may include special notes or conditions, including a prohibition on the issuance of building permits, in the approval Resolution.
- D. The exemption shall become effective upon filing of the Council Resolution with the County Recorder.

#### **SECTION 2. WAIVERS**

The City Council may waive certain submittal requirements for an application for Subdivision Approval or for all or a portion of the required processing fees. The procedure for waiver requests is as specified in the Administrative Procedures Manual. A waiver request can be presented prior to the submittal of the Preliminary Plat or Final Plat application or as part of the plat submittal.

- A. Waivers of submittal requirements may be granted upon recommendation of the City Manager, and a finding by the Council that the particular requirements are not necessary for consideration of the subdivision approval request.
- B. A waiver of part or all the required processing fees for a subdivision application may be granted by the City Council only on finding that the particular application is such that the review time by City officials will be significantly less than the typical subdivision application.

### **SECTION 3. VARIANCES**

#### **3.1 Intent**

A variance from specific requirements of this ordinance may be granted by the City Council upon finding that, due to unusual circumstances relating to the physical characteristics of the property or land adjacent to the property, conformance with the specific requirement would create an undue hardship on the property owner, and that the public health, safety and welfare would not be adversely affected by the granting of the variance. Variances shall not be granted on the basis of the financial status of the property owner or subdivider.

#### **3.2 Procedure**

- A. An application for a variance from one or more of the requirements of this ordinance shall be made by submitting an Application and other material, as proscribed in the Administrative Procedures Manual, to the City Manager.
- B. The City Manager shall schedule the variance request for consideration by the City Council. The Preliminary or Final Plat application which includes or is the subject of a variance request shall not be considered by the City Council until all variance requests have been either approved or denied except where the variance is minor in nature and a denial of the variance would not significantly affect the processing of the plat.

### **SECTION 4 VACATIONS**

#### **4.1 Vacation of all or a Portion of a Final Plat**

- A. Vacation of part or all of an approved Final Plat shall require:
  - 1. Payment of application fee.

2. Ten (10) copies of the following:
  - a. A map entitled, "A vacation of (name or description)". Include on, or attach to the map a legal description of the final plat or portion thereof to be vacated.
  - b. A petition signed by not less than 50% of the owners of the lots in the Final Plat.
  - c. A letter notifying all owners of record that did not sign the Petition that a request for vacation of the Final Plat, or a portion thereof, has been submitted. Such letter shall be by Registered Mail.
- B. Upon determining that the petition for vacation of all or part of a Final Plat is complete and that the non petitioning lot owners have been notified, The City Manager shall schedule the request for a Public Hearing by the City Council.
- C. After hearing testimony in the Public Hearing, the City Council may:
  1. Approve the vacation.
  2. Deny the vacation.
- D. Approval of the vacation shall be in the form of an ordinance. The City Clerk shall cause the ordinance and accompanying vacation map to be recorded with the Fremont County Clerk and Recorder's Office within five (5) days of approval of the ordinance on second reading.

#### 4.2 Vacation of Streets, Right-of-Ways and Easements

- A. Vacation of part or all of a street, right-of-way or easement shall require:
  1. Payment of application fee.
  2. Ten (10) copies of the following:
    - a. A map entitled, "A vacation of (name or description)". Include on, or attach to the map a legal description of the street, right-of-way or easement, or portion thereof, to be vacated. Cross-hatch or otherwise illustrate the portion you wish to vacate, and indicate all lots adjoining the portion to be vacated along with the names of the owners of such lots, plus their mailing address.

- b. A letter of intent which indicates no public monies have been spent on such street, right of way, or easement, and that no property will be left without proper access due to this vacation.
  - c. A petition signed by all the adjoining property owners stating their comments as to for, or against the vacation of this portion of street, right of way, or easement.
- B. Upon determining that the petition for vacation is complete, the City Manager shall schedule the request for a Public Hearing by the City Council.
  - C. After hearing testimony in the Public Hearing, the City Council may:
    - 1. Approve the vacation.
    - 2. Deny the vacation.
  - D. Approval of the vacation shall be in the form of an ordinance. The City Clerk shall cause the ordinance and accompanying vacation map to be recorded with the Fremont County Clerk and Recorder's Office within five (5) days of approval of the ordinance on second reading.

#### **SECTION 5 APPEALS**

- A. In the event that any person disagrees with the City Manager's interpretation of the language of this Ordinance they may appeal to the City Council as specified in the Administrative Procedures Manual.
- B. Appeal of a decision of the City Council shall be as provided for in state statutes.

ORDINANCE NO. 1-98

**AN ORDINANCE AMENDING THE CITY OF FLORENCE SUBDIVISION REGULATIONS**

WHEREAS, on July 3, 1995, the Florence City Council adopted Ordinance No. 9-95, adopting new Subdivision Regulations for the City of Florence; and

WHEREAS, on October 16, 1997, the Florence Planning Commission duly made application to amend certain provisions of the City of Florence Subdivision Regulations; and

WHEREAS, said application was a request amend said Subdivision Regulations by eliminating all designations regarding the term "lane"; and

WHEREAS, pursuant to Article I, Section 6 of said Subdivision Regulations, the Planning Commission held a public hearing on November 13, 1997, due notice of which was provided, in reference to this proposed amendment, and thereafter said Planning Commission voted as follows:

To recommend to the City Council that Article I, Section 9, Paragraph B, DEFINITION OF TERMS, of the City of Florence Subdivision Regulations be amended by eliminating the "lane" classification within the "STREET" definition; and

WHEREAS, pursuant to Article I, Section 6 of said Subdivision Regulations, the City Council held a public hearing on December 15, 1997, due notice of which was provided, in reference to this proposed amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FLORENCE:

Article I, Section 9, Paragraph B, DEFINITION OF TERMS, of the City of Florence Subdivision Regulations is hereby amended by eliminating the "lane" classification within the "STREET" definition.

Introduced as a bill and passed on its first reading and ordered published in the City's official newspaper this 5th day of January, 1998.

  
Mayor

Attest:

  
City Clerk

Published January 8, 1998, in the Florence Citizen.

Passed on its second reading and ordered published in the City's official newspaper this  
20th day of January, 1998.

Merle Stuckland  
Mayor

Attest:

Doris E. Wilton  
City Clerk

Published January 22, 1998, in the Florence Citizen.

**ORDINANCE NO. 3-2000**

**AN ORDINANCE  
AMENDING THE CITY OF FLORENCE SUBDIVISION REGULATIONS**

WHEREAS, on July 3, 1995, the Florence City Council passed Ordinance No. 9-95, adopting new Subdivision Regulations for the City of Florence; and

WHEREAS, on January 20, 1998, the Florence City Council adopted Ordinance No. 1-98 which eliminated from the Definition of Terms of the City of Florence Subdivision Regulations the term "lane" as a street classification; and

WHEREAS, it is the desire of the City Council to re-establish a "lane" classification within the City's Subdivision Regulations, the minimum design standards of which will be set forth in a separate Resolution to be considered upon the adoption of this Ordinance; and

WHEREAS, pursuant to Article I, Section 6 of said Subdivision Regulations, the Florence Planning Commission held a public hearing on January 13, 2000, due notice of which was provided, in reference to the proposed amendment; and

WHEREAS, the Planning Commission deemed the amendment advisable; and

WHEREAS, pursuant to Article I, Section 6 of said Subdivision Regulations, the City Council held a public hearing on the amendment February 7, 2000, due notice of which was provided; and

WHEREAS, after the public hearing the City Council believes that it is in the best interest of the City of Florence to add a "lane" classification to its Definition of Terms of "Street" at Article I, Section 9(B) of its Subdivision Regulations.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE  
CITY OF FLORENCE AS FOLLOWS:**

1. The term "lane" under Definition of Terms of "Street" at Article I, Section 9(B) shall be and hereby is reinstated.
2. Ordinance No. 1-98 which effectively eliminated the "lane" classification from the City of Florence Subdivision Regulations Definition of Terms is hereby repealed.

Introduced as an ordinance, passed on its first reading, assigned an ordinance number and ordered published in the *Florence Citizen*, the City's official newspaper on February 7, 2000.

Gene Roeder  
Mayor

ATTEST:

Don Edwillson  
City Clerk

(SEAL)

Ordinance published in full on February 10, 2000, in the *Florence Citizen*.

Passed and adopted on its second reading this 22nd day of February, 2000.

Gene Roeder  
Mayor

ATTEST:

Don Edwillson  
City Clerk

(SEAL)

Ordinance published in full on February 24, 2000, in the *Florence Citizen*.