

TITLE 11
CHAPTER 1

SUBDIVISION ADMINISTRATION, GENERAL PROVISIONS

SECTION:

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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 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 subdivisions 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 subdivision with respect to which approval is required by this Title until such approval is obtained, and the plat thereof has been acknowledged and recorded with the County recording officer.

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

ALLEY	A narrow 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.

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.
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	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.
LOCAL STREET	A street used primarily for access to abutting property(s).
LOT	A unit of land that is created by a subdivision of land.
Butt Lot or Parcel	A lot or parcel, the lot or parcel side line of which abuts the lot or parcel rear line of two (2) or more adjoining lots or parcels.
Corner Lot or Parcel	A lot or 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.
Flat Lot or Parcel	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 flat lot; the development area or "flag" which comprises the developable area, and the access strip or "pole" which provides access from the street to the flag.

Interior Lot or Parcel	Other than a corner lot, a lot or parcel having frontage only on one street.
Through Lot or Parcel	Other than a corner lot, 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.

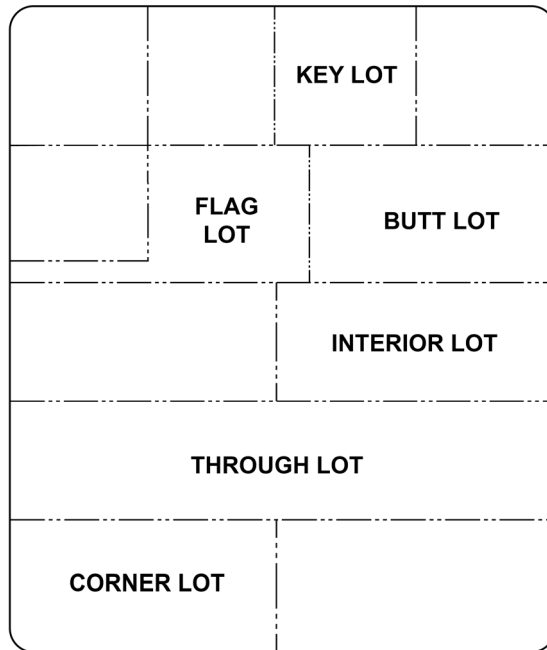


Figure 11-1-3: An illustration depicting lot types.

- LOT LINE**
- 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, except that, in the case of a lot or parcel which adjoins the point of intersections of two streets as defined in "Lot: Corner Lot," both lot or parcel lines are the front line. For double frontage lots or parcels the lot or parcel front line is that having frontage on a street which is so designated by the land divider and approved as part of a subdivision or partition as provided for in this Title.
 - B. **Rear:** The lot or parcel line which is opposite to and most distance from the lot or parcel front line. 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.
 - C. **Side:** Any lot or parcel line which is not a lot or parcel front or rear line.

MASTER ROAD PLAN The plan(s) adopted by the Council of the City according to the procedures provided for in this Title.

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	A division of an area or tract of land which does not result in the creation of more than three (3) lots within a calendar year. "Partition" does not include: <ul style="list-style-type: none"> A. A division of land resulting from lien foreclosures; B. A division of land resulting from the creation of cemetery lots; 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 D. Adjustment or elimination of a lot or parcel line by the relocation of a common boundary of two abutting properties 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.
PARTITIONER	An owner commencing proceedings under this Title to effect a partition of land by himself or his lawful agent.
PERFORMANCE AGREEMENT OR BOND	A financial commitment by the petitioner or subdivider and executed by an Oregon licensed surety company in an amount equal to the full cost of construction and improvements as required in Chapter 5 of this Title and conditioned upon the faithful performance thereof.
PETITION FOR IMPROVEMENTS	A proper petition submitted to and approved by the City Council for construction and improvements as required by Chapter 5 of this Title.
PLANNING OFFICE	The Florence City Hall, Florence, Oregon.

PLAT	The map and other writing containing all the descriptions, locations, dedications, specifications, provisions and information concerning a partition or subdivision.
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)
REPLAT	Platting lots, parcels, and easements in a recorded subdivision or partition plat to achieve a reconfiguration of lots or parcels in a recorded partition or subdivision plat or to increase or decrease the number of lots in a subdivision.
ROAD OR STREET	A public or private way, other than a public alley, that is created to provide ingress or egress for vehicular traffic to one or more lots, parcels, areas or tracts of land; excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes. A "road" or "street" includes the land between right-of-way lines, whether improved or unimproved.
RIGHT OF WAY	The area between boundary lines of a street or other easement.
SUBDIVIDE LAND	The division of an area or tract of land into four (4) or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year.
SUBDIVIDER	An owner commencing proceedings under this Title to effect a subdivision of land by himself or through his lawful agent.
SUBDIVISION	Either an act of subdividing land, or an area or tract of land subdivided as defined in this Section.
TENTATIVE PLAN	A preliminary drawing or diagram concerning a partition or subdivision.

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 fifteen (15) 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

Partitions

Subdivisions

Planned Unit Developments

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)

Sections 11-1-2, 11-1-3, 11-1-4-B and 11-1-6-B amended by Ord. No. 7, Series 2019 (effective 12-18-19)