



SUBDIVISION REGULATIONS

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CHAPTER 1 – GENERAL PROVISIONS

1.1 **Title.** These Regulations shall hereafter be known, cited, and referred to as the “Subdivision Regulations of the City of Owasso, Oklahoma” and herein be referred to as “these Regulations.”

1.2 **Purpose and Intentions.**

1.2.1 **Purpose.** These Regulations and Standards for the subdivision of land are intended to ensure the development and maintenance of a safe, healthy, attractive, and efficient community and to provide for the conservation of its human and physical resources. The arrangement of parcels of land in Owasso for residential, office, commercial, and industrial uses and for public needs, such as streets and easements, will to a large degree determine the health, safety, economy, and quality of life in the city. As such, the arrangement of said parcels of land are a public concern and should be held to the certain minimum requirements adopted herein, to protect the public health, safety, and general welfare.

1.2.2 **Intentions.** These Regulations are specifically intended to:

- a. Establish a subdivision process that is as expeditious and efficient as possible while providing for public health, safety, and general welfare;
- b. Harmoniously relate the development of various tracts of land to the existing community and facilitate the future development of adjoining tracts, all in accordance with the adopted GrOwasso Land Use Master Plan;
- c. Provide that the cost of improvements which primarily benefit the tract of land being developed be borne by the owners or developers of the tract;
- d. Provide the best possible design for the tract;
- e. Provide a proper arrangement of streets and assure the adequacy of open spaces for traffic and access of emergency vehicles commensurate with the intensification of land use customarily incident to a change of zoning;
- f. Reconcile any differences of interest;
- g. Ensure proper legal descriptions, monumenting of land, and adequate and accurate platting and records of land subdivision;
- h. Ensure that public facilities and utilities are available that will have sufficient capacity to serve the proposed subdivision and the general community;
- i. Promote development that will preserve the natural beauty and physical characteristics of the land and will intrude upon the environment to the least possible extent; and
- j. Encourage designs which will require minimal maintenance of public improvements by the City.

1.3 **Authority.** These Regulations and Standards for land development are adopted under the authority granted by Oklahoma State Statutes, Title 11, Sections 41-101 through 41-115, and 45-101 through 45-106.

1.4 **Jurisdiction.** These Regulations shall apply to all subdivision of land located within the corporate limits of the City of Owasso, Oklahoma.

1.5 **Subdivision Plat Requirement and Exceptions.** For the purposes of promoting the public health, safety, and general welfare, as well as for the purposes of providing a proper arrangement of streets and adequacy of open space, the following platting requirement is established:

For any land which has been annexed into the City of Owasso limits and/or rezoned upon application of a private party, no new Building Permit shall be issued until that portion of the tract on which the permit is sought has been included within a subdivision plat or replat, as the case may be, submitted to and approved by the Planning Commission and City Council, and filed of record in the office of the County Clerk where the property is situated. The Administrator, or their designee, pursuant to their exclusive jurisdiction of subdivision plats, may remove the platting requirement upon a determination that the above-stated purposes have been achieved by the previous platting or other means, or could not be achieved by a plat or replat.

Additionally, the Administrator may allow an individual to submit a preliminary and final plat simultaneously where the nature of the development indicates such an exception would otherwise not be contrary to the intent of these Regulations, such as in the case of a proposed one lot one block plat.

1.6 **Plat Vacation and Alterations.** No vacation of a plat or any parts thereof, except by action of the District Court, shall be valid or impart notice until after the required consent of such platted area is presented to the City Council and the approval of the Council is entered thereon. All vacations or alterations of a final approved filed Plat shall require the approval of the Planning Commission and City Council and the filing of a corrected plat, approved deed, or accepted easement. Alterations of a plat without approval shall constitute a violation of these Regulations.

1.7 **Variance of Regulations.** Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these Regulations result in substantial hardship or inequity, the Planning Commission may vary or modify, and/or except as otherwise indicated, such requirements of design but not of procedure or improvements, so that the Subdivider may develop their property in a reasonable manner, but so that at the same time, the public welfare and interests of the City are protected and the purpose and intentions of these Regulations are preserved. Such modification may be granted upon written request of the Subdivider stating the reason for each modification and may be waived by three-fourths (3/4) vote of the members of the Planning Commission present, subject to the acceptance of the plat and the dedications thereon by the City Council. If three-fourths (3/4) of the members of the Planning Commission are not present at the meeting at which the variance is to be heard, said variance cannot be approved.

1.7.1 **Board of Adjustment Action.** Prior to Planning Commission action to allow a variance of these regulations, the Owasso Board of Adjustment shall grant all applicable zoning variance(s) allowing such alternations to these requirements.

1.8 **Promulgation of Rules and Regulations.** Please refer to Chapter 3, Section 12-301 of the Owasso Code of Ordinances for information concerning the Promulgation of Rules and Regulations.

1.9 **Separability of Provisions.** If any Section, clause, paragraph, provision or portion of these Regulations shall be held invalid or unconstitutional by any court of competent

jurisdiction, such holding shall not affect any other Section, clause, paragraph, provision or portion of these Regulations.

- 1.10** **Conflict with State or Federal Regulations.** If these regulations are inconsistent with state or federal law, the more restrictive provision governs, to the extent allowed by law. The more restrictive provision is the one that imposes more stringent controls.
- 1.11** **Conflict with Private Agreements and Covenants.** These regulations do not abrogate or annul any easement, covenant, deed restriction or other agreement between private parties. If these regulations impose a greater restriction than imposed by an agreement or covenant among private parties, these regulations govern. The Planning Commission is not responsible for monitoring or enforcing agreements or covenants among private parties.
- 1.12** **Penalty.** Any person or persons, firm, or corporation who violate any of the provisions of these Regulations, or fail to comply therewith or with any of the requirements thereof, shall be deemed guilty of an offense shall be fined in accordance with the City of Owasso Code of Ordinances. Each day's violation thereof shall constitute a separate offense. In addition to the other remedies provided herein, the City may institute any proper action or proceedings to enforce these Regulations.
- 1.13** **Technical Advisory Committee on Plats – Duties.** It shall be the responsibility of the Technical Advisory Committee (TAC) to meet together on the call of the Administrator, who shall serve as Chairperson, to review and study all Preliminary Plats, Final Plats, and Lot Splits/Lot Combinations/Lot Line Adjustments and to submit its findings and recommendations to the Planning Commission.
- 1.14** **Technical Advisory Committee on Plats – Membership.** The membership of the Technical Advisory Committee shall consist of one representative of each of the following agencies, companies, and City Departments or other such public officials as the City Manager, or their designee, may designate:
- a. City Manager;
 - b. Public Works Department;
 - c. City Attorney's Office;
 - d. Community Development Department;
 - e. Building and Permitting Division;
 - f. Fire Department;
 - g. Police Department;
 - h. County Engineer of the involved county;
 - i. A natural gas company representative;
 - j. An electric company representative;
 - k. A cable television company representative;
 - l. A telephone company representative; and
 - m. A Planning Commission representative.

1.15 **Minimum Design Criteria**

In enacting the various provisions of these regulations and in promulgating any rules deemed necessary to carry out the purposes of these regulations, the City of Owasso is

merely setting forth certain minimum standards for design and construction. By setting forth these minimum standards, neither the City of Owasso nor any of its staff are making any assurances that these minimum design standards are sufficient. Any person owning such land or developing land within the City limits must rely on their own design professionals to design their facilities, be it public or private, in accordance with the intentions of these regulations. When the City staff examines proposed plats and their supporting documents for conformity with these regulations, such review merely is being performed to determine whether or not the minimum standards are met by the design and layout depicted on the proposed project and its supporting documents. The approval of these documents does not assure any person that the designs are adequate for the purposes intended.

Neither the enactment of these regulations nor review of improvements to be constructed or proposed under these regulations shall in any manner create liability for the City of Owasso to the owner, developer, or contractor nor to any person affected by the activities of such owner, developer, or contractor.

CHAPTER 2 – SUBDIVISION PLAT PROCEDURES

2.1 Process.

2.1.1 Requirement. Whenever any subdivision of land is proposed, and before any permit is issued for the erection of a structure in such proposed subdivision, the owner of the land or their agent shall apply for and secure both Planning Commission and City Council approval of a Final Plat for such proposed subdivision.

2.1.2 Procedure. The proposed subdivision shall be processed as follows:

- a. Pre-development conference;
- b. Application for Preliminary Plat (proposed subdivision(s) containing only one lot may begin with the Final Plat application, or as determined by the Administrator or their designee);
- c. Technical Advisory Committee (TAC) review of the Preliminary Plat;
- d. Planning Commission review of the Preliminary Plat;
- e. Revision of the Preliminary Plat, if required;
- f. Application for the Final Plat;
- g. Submission of Construction Plans for approval to Public Works and the Department of Environmental Quality (DEQ);
- h. TAC review of the Final Plat;
- i. City Addressing Coordinator provides official addresses for the Final plat;
- j. Planning Commission review of the Final Plat;
- k. Obtain Public Works and DEQ approval of the Construction Plans;
- l. City Council review and approval of the Final Plat;
- m. Certification of the Final Plat;
- n. Record the certified Final Plat with the appropriate County officials and return file-stamped original plats to the Administrator;
- o. Pre-construction conference;
- p. Construction of subdivision improvements in accordance with the approved Construction Plans; and
- q. Council acceptance of subdivision improvements.

2.2 Pre-Development Conference. A pre--development conference shall be held between the applicant proposing to subdivide property and the Administrator to discuss Zoning Code requirements, subdivision design requirements, platting procedures, improvements, layout and construction.

2.3 Preliminary Plat.

2.3.1 Purpose. The purpose of the Preliminary Plat is to provide an interim step in the procedure when the Subdivider shall submit a proposed Preliminary Plat containing the subsequent information outlined below. It is at this point that the items discussed at the pre-development conference are shown and the development is examined to see if it conforms to the Subdivision Regulations.

2.3.2 Submittal: The Preliminary Plat shall be drawn at a scale of one hundred (100) feet to one (1) inch or larger. All printing shall be clear and legible. All sheets shall be of a consistent size of twenty-four (24) inches by thirty-six (36) inches. For larger subdivision, two (2) sheets may be used. Each sheet shall be sealed by a registered professional engineer. The Preliminary Plat shall contain or be accompanied with the following information:

- a. The subdivision shall have a unique name that shall not duplicate or closely resemble names of other existing subdivisions in Tulsa or Rogers Counties;
- b. The names and addresses of the owner(s) of record, the Subdivider(s), and the registered engineer or land surveyor preparing the Plat;
- c. An accurate legal description of the property and a complete boundary survey showing the dimensions, distances to the nearest one-hundredth foot, bearings to the nearest second and acreage to the nearest one-hundredth acre;
- d. The scale, north point, and date;
- e. The key or location map, at a legible scale, showing the locations of subdivisions within the mile section;
- f. The location of property lines of adjoining unplatted land and the names of adjoining subdivisions and the location of City limits boundaries if adjoining the subdivision;
- g. The topography with contour intervals of not more than two (2) feet shall be shown on the property and a minimum of 100 feet beyond the property boundary based on United States and Geodetic Survey data;
- h. The location and description of all existing structures and appurtenances;
- i. The locations of all ponds, lakes, and streams as well as the areas subject to flooding based upon the regulatory flood;
- j. Any Army Corp of Engineers (CORPS) regulated stream/waterbody on or adjacent to the subject property, along with any associated buffer requirements to said waterbodies
- k. The location, width, and name of each existing or proposed street or other public way, railroad and utility easement, bridge, and park or other public open space within or adjacent to the proposed subdivision;
- l. The locations and widths of easements of all oil, gas, and petroleum product pipelines within or adjacent to the proposed subdivision;
- m. The location of every existing or abandoned oil or gas well or dry hole drilled in search of oil or gas as shown by the records of the Oklahoma Corporation Commission and by such records as may be on file with the Planning Commission;
- n. The location of facilities and land to be considered for dedication to public use or to be reserved for use of all property owners in the subdivision and any conditions of such dedications or reservations;
- o. All proposed lots consecutively numbered, their dimensions, and all building setback lines;
- p. All blocks consecutively numbered;

- q. Draft of Restrictive Covenants;
- r. All names of abutting property owners, adjacent subdivision names, and adjacent zoning designations;
- s. Any driveways, easements, infrastructure and utility appurtenances on and adjacent to the property; and
- t. Any other information as may be deemed by the Planning Commission as reasonably necessary for the full and proper consideration of the proposed subdivision.

2.3.3 Submittal. The Subdivider shall submit five (5) copies of the Preliminary Plat, application, and application fee to the Administrator no later than the first (1st) business day of the month of the TAC meeting at which time the Plat will be reviewed.

2.3.4 Review of Preliminary Plats. The Administrator upon receipt of the Preliminary Plat and Fees shall:

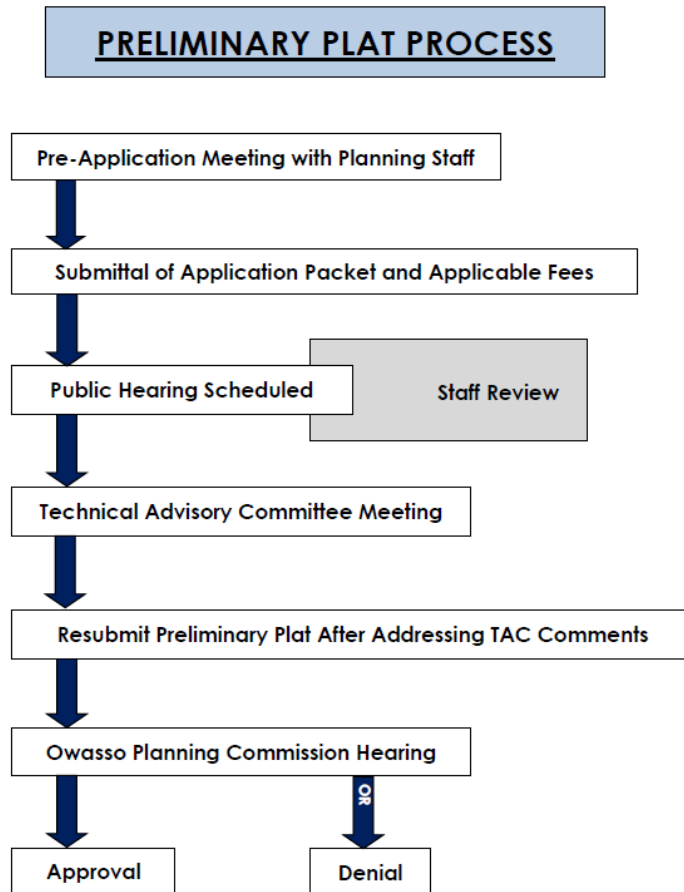
- a. Distribute copies of the Preliminary Plat to the Technical Advisory Committee;
- b. Set the Plat on the relevant TAC and Planning Commission agendas;
- c. Review the Plat for conformance with the Owasso Zoning Code and these Regulations;
- d. Prepare recommendations for submission to the TAC and Planning Commission; and

The Technical Advisory Committee shall review the Preliminary Plat and make recommendations to the Planning Commission. At a public hearing, the Planning Commission shall accept, accept with modifications, or continue to a date certain the Preliminary Plat. Refer to Figure 1, Preliminary Plat Flowchart, below.

Such Planning Commission action will be conveyed to the applicant in writing within five (5) days after the meeting in which the Plat was considered. The Subdivider shall be notified of the reasons for such action and what requirements will be necessary for the Final Plat to meet the approval of the Commission. It is responsibility of the applicant to have a representative at all meetings.

The acceptance of the Preliminary Plat does not constitute acceptance of the subdivision, but rather is considered to be an authorization to proceed with the preparation of the Final Plat.

Figure 1, Preliminary Plat Flowchart.



2.3.5 Preliminary Plat Expiration. The approval of a Preliminary Plat shall be effective for a period of one (1) year from the date of approval by the Planning Commission, at the end of which time approval of the Final Plat must have been obtained from the City Council. Unless the Administrator grants an extension in writing, any Preliminary Plat not receiving Final Plat approval within one (1) year shall be null and void. In the event of the Subdivider wishing to submit individual Final Plats for only a specific portion or portions of an approved overall Preliminary Plat, rather than an overall Final Plat, the Subdivider shall secure approval of all associated Final Plats within two (2) years of overall Preliminary Plat approval; failure to do so will result in the Preliminary Plat being considered null and void. Every Plat shall conform to existing Subdivision Regulations applicable at the time of approval of the Preliminary Plat, unless modifications have been granted.

2.4 Final Plat.

2.4.1 Application. The Subdivider shall submit five (5) copies of the Final Plat and Restrictive Covenants to the Administrator no later than the first (1st) business day of the month of the TAC meeting at which the Plat will be reviewed. The Final Plat shall be accompanied by an application, the forms for which shall be supplied by the Administrator, and a fee as established by Ordinance. Requests for exceptions to

these Regulations or Requirements of the Preliminary Plat shall be submitted in accordance with these Regulations.

2.4.2 Submittal. All sheets shall be of a consistent size of twenty-four (24) inches by thirty-six (36) inches. Each sheet shall be sealed by a registered professional engineer. The Final Plat shall contain or be accompanied with the following information:

2.4.2 Contents. The Final Plat shall show:

- a. The subdivision shall have a unique name that shall not duplicate or closely resemble names of other existing subdivisions in Tulsa or Rogers Counties;
- b. The name and address of the owner(s) of record, the Subdivider(s) and the registered engineer or land surveyor preparing the Plat. Official seals of the engineer or surveyor are required;
- c. The accurate legal description of the subdivision referenced to section, range and township, based on an accurate traverse, giving angular and linear dimensions which must mathematically close. The allowable error of closure on any portion of a Final Plat shall be one (1) foot in five thousand (5,000);
- d. The location of monuments shown in reference to existing United States Coastal and Geodetic Survey data, or the nearest established street lines, including true angles and distances, to such reference points or monuments;
- e. The date of preparation of the Plat, north arrow, and scale (written and graphic presentation);
- f. The key or location map showing location and name of subdivisions within the mile section;
- g. The total acreage and total number of lots of the subdivision shown near the key or location map;
- h. The names of all adjacent subdivisions and the names, locations, and widths of all existing streets, easements, drainage ways, and other public ways adjacent to the property;
- i. Location of lots, streets, public highways, alleys, parks, building lines, limits of no access, and other features with accurate dimensions in feet and decimals of feet and distances, angles, and/or bearings. Where these lines follow a curve, the central angle, radius, point of curvature, length of curve, and length of intermediate tangents shall be shown;
- j. The blocks numbered consecutively throughout the entire subdivision and the lots numbered consecutively throughout each block, with areas to be excluded from platting marked "reserved" or "not for public use";
- k. Locations and accurate dimensions of all property offered for dedication for public use and all property reserved for the common use of the property owners within the subdivision, with purpose indicated. This includes, but is not limited to, dedication of streets and alleys, parks, drainage ways, or other areas dedicated or reserved for public use;
- l. The names of all streets to be dedicated, street naming as provided by the City Addressing Coordinator;

- m. All lot addresses, as provided by the City Addressing Coordinator, unless specifically instructed that addressing will occur at the site plan phase of development review;
- n. The dimensions of all lots and lot lines and the bearings of those lot lines not parallel or perpendicular to the street right-of-way line;
- o. Location and dimensions of all easements, including trails, to be dedicated. All easements shall be denoted by fine dashed lines, clearly identified, and if already a file of record, the recorded reference (book and page and/or document number) of such easements. The width of an easement with sufficient ties to locate it definitely with respect to the subdivision must be shown;
- p. Easements located outside the boundaries of the Plat that are required for Plat approval. Proof of executed easements shall be provided to the City upon request of a permit to construct;
- q. The deeds of dedication for all rights-of-way, easements, and other properties as well as any deed restrictions applicable to the subdivision shall be shown;
- r. The location of every oil or gas well, abandoned oil or gas well, or dry hole drilled in search of oil or gas, as certified by the records of the Oklahoma Corporation Commission submitted to the Planning Commission;
- s. Any Army Corp of Engineers (CORPS) regulated stream on or adjacent to the subject property along with any associated buffer requirements to said streams
- t. All lots located in a one hundred (100) year flood plain or a designated flood hazard area shall have the finished floor elevation noted on each lot. Said pad elevation shall be a minimum of one (1) foot above the one hundred (100) year flood elevation as identified by Federal Emergency Management Agency (FEMA) or other authority;
- u. A copy of any private restrictions/covenants affecting the subdivision or any part thereof attached to each Plat;
- v. Reference to any separate instruments which directly affect land being subdivided, including restrictive covenants, filed in the Office of the County Recorder of Deeds; and
- w. On the plat face, include language 'Addresses shown on this plat were provided by the City of Owasso, and were accurate at the time this plat was filed. Addresses are subject to change and should never be relied on in place of the legal description,'; and
- x. Any other information as may be deemed by the Planning Commission as reasonably necessary for the full and proper consideration of the proposed subdivision.

2.4.3 Technical Advisory Committee Action. The Technical Advisory Committee shall review the Final Plat to ensure that all requirements have been satisfied. If any required items are not shown on the Final Plat, the TAC shall identify the requirements on a copy of the Final Plat, which shall be retained by the Administrator. Refer to Figure 2, Final Plat Flowchart, below.

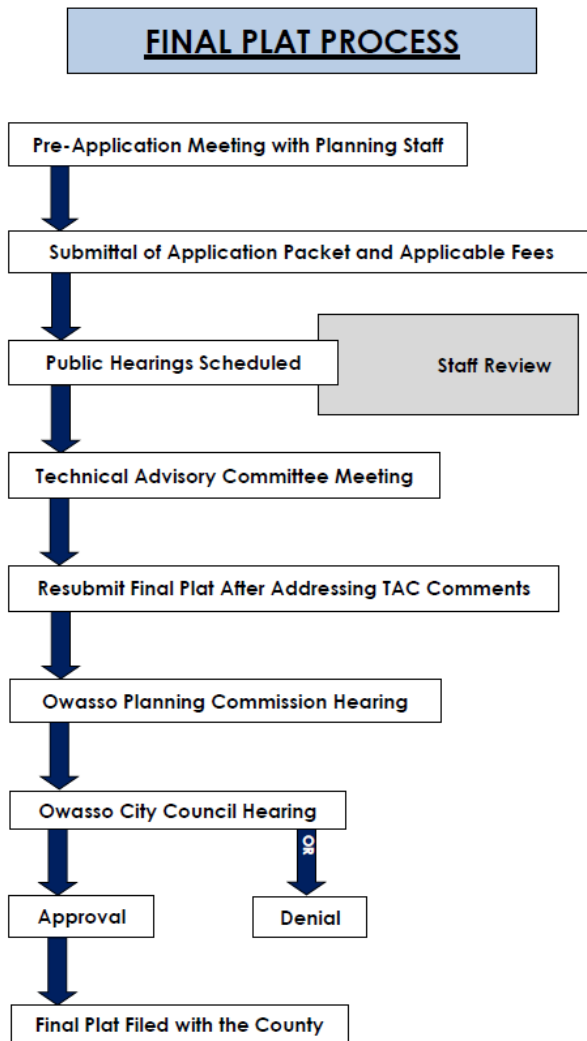
2.4.4 Final Plat Addressing. The City Addressing Coordinator shall provide the official addressing for all lots, and street names for the plat as needed, approved by the City

Addressing Committee to the applicant as a part of the provided TAC comments to the Final Plat. The addresses and street names assigned shall be displayed on the final plat by the applicant before final approval and execution.

2.4.5 Planning Commission Action. The Planning Commission shall act upon the Final Plat after it has been submitted for final approval unless the stipulation for additional time is agreed to by the developer. If the Final Plat is disapproved, grounds for the refusal shall be stated in writing, a copy of which shall be transmitted to the applicant. Refer to Figure 2, Final Plat Flowchart, below.

2.4.6 City Council Action. The City Council shall act upon the Final Plat subdivision of public land and for the acceptance of public ways, service and utility easements, and land dedicated to public use. Approval of the Final Plat shall in no way be construed as acceptance of the public works improvements. The disapproval of any plat or plan by the City Council shall be deemed a refusal of the proposed dedication shown thereon. Refer to Figure 2, Final Plat Flowchart, below.

Figure 2, Final Plat Flowchart.



2.4.7 Drafting. The Final Plat prepared for recording purposes shall be drawn at a scale of at least one (1) inch equals one hundred (100) feet or larger scale. The drawing surface of any such Plat shall have a binding margin of two (2) inches at the left side of the Plat and a margin not less than one (1) inch at the right side. Where the proposed Plat is of unusual size, the Final Plat may be submitted on two (2) or more sheets of the same dimensions. If more than two (2) sheets are required, an index sheet of the same dimensions shall be filed showing the entire development.

2.4.8 Certifications. The following certifications shall be required on the Final Plat filed of record in the Office of the County Clerk:

- a. Certification signed and acknowledged by all parties having any title interest in the land subdivided, consenting to the preparation and recording of the Plat as submitted. All copies of the Plat shall carry the original signatures of the owner or owners and notary public;
- b. Certification by the registered land surveyor or registered engineer as to the accuracy of the survey and of the Plat, and that the monuments and bench marks are accurate as to location shown; and
- c. Certification by the Mayor and City Clerk, or Deputy City Clerk, of the approval of the Plat by the City Council.

2.4.9 Prints to be Furnished After Final Approval of the Plat. A minimum of two (2) copies (1 mylar and 1 paper) of the approved Final Plat shall be furnished for endorsement by the appropriate City officials. Each copy shall bear the original signatures of the owner or owners and be duly acknowledged.

After the approved Final Plat is filed of record in the Office of the County Clerk, the Subdivider shall return to the City one (1) certified plat, with the appropriate stamps, signatures, and plat number from the County Clerk.

After the Final Plat has been executed by all required officials, the Administrator shall distribute copies to appropriate officials, agencies or departments, and utility companies and retain file copies in the offices of the City Clerk and City Planner.

2.4.10 Approval and Recording of Plats Required. No Plat or other land subdivision instrument shall be filed in the Office of the County Clerk until it has been approved by the City Council as required. A Final Plat shall be filed within six (6) months of the approval of the City Council. Failure to record the Plat within six (6) months of the date of the City Council approval shall void all approvals thereto, unless a written extension is granted by the Administrator.

2.5 Fees. Preliminary Plat Application Fee, Final Plat Application Fee, Lot Split Application Fee, Inspection Fees, and other pertinent fees shall be paid in accordance with the Fee Schedule as established by resolution by the City Council.

2.6 Planned Unit Development. The platting of Planned Unit Developments shall proceed in accordance with the information in the relevant Chapters in these Regulations. A PUD must be approved by the City Council in accordance with the Owasso Zoning Code prior to being platted and subdivided.

CHAPTER 3 – SUBDIVISIONS

3.1 **General.** Subdivision design shall reflect the provisions of the Owasso Zoning Code, Owasso Engineering Design Criteria, other City Ordinances, and these Regulations to the end that each subdivision will relate harmoniously with adjacent areas and the community in an orderly, safe, efficient, and attractive manner.

3.2 **Access to Streets.**

3.2.1 **Access to Major Streets and Highways.** Each lot of a subdivision shall be provided with access to a public street, approved private street, or highway to assure convenience for the lot owner as well as to provide for the layout of utilities, waste removal, deliveries, and emergency services. If a property with frontage along a major street or highway is proposed to be subdivided or developed, decision-making bodies are authorized to restrict access to the respective street or highway and require that the developer take one or more of the following actions.

- a. Create through lots that back onto the major street or highway and front onto and take access from a parallel street, coupled with the installation of a fence, wall or vegetative visual screen along the major street or highway frontage;
- b. Provide a frontage road separated from the major street or highway;
- c. Establish deed restrictions or other legally enforceable means of preventing private driveway access to the major street or highway; or
- d. Provide a cross-access easement to abutting properties that front on the same major street or highway.
- e. Restricting ingress and egress to streets may be required by the Planning Commission and/or City Council to assure traffic safety and to relieve congestion at intersections.

3.2.2 **Single-Family Residential Lots.** Individual single-family residential lots shall not generally derive access from arterial streets or highways, but shall rather take access from local streets. If a single-family residential lot does have direct frontage along an arterial street or highway, the exact location of any access point(s) shall be determined at such a time as when a Building Permit application is filed, if the subdivision governing the property does not delineate Limits of No Access.

3.2.3 **Double Frontage or Through Lots.** Double frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific issues related to topography or other physical constraints.

3.2.5 **Abutting Railroad or Highway Right-of-Way.** Where a subdivision abuts or contains a railroad right-of-way or limited access highway right-of-way, the Planning Commission or City Council may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with regard for the requirements of approach grades and grade separation.

- 3.2.6 Through Traffic. Minor streets shall be arranged so that their use by through traffic will be discouraged. Industrial and commercial streets shall not inject non-residential traffic into residential areas. The arrangement of streets within a subdivision shall, except for cul-de-sacs, connect with streets already dedicated in adjoining subdivisions or provide for future connections to adjoining unplatted tracts.
- 3.2.7 Adjacent Properties. Where adjoining properties are not subdivided, the arrangement of streets shall be projected to the boundary of the proposed subdivision with provisions made for a temporary right-of-way for a turnaround of a size acceptable to the City Engineer and Fire Marshal. Barricades shall be installed at dead-end streets with signs indicating "future connection". Alignments, grades, drainage, and other appropriate design criteria of all streets within and bordering new subdivisions shall be governed by these Regulations, where applicable, and by the Engineering Design Criteria of the City.
- 3.2.8 Reserve Strips. Reserve strips controlling access to streets shall be prohibited except where approved by the Planning Commission and City Council.
- 3.2.9 Future Development. Where a tract to be subdivided includes only a portion of the tract owned or intended for development by the Subdivider, a tentative plan of a proposed future street system for the unsubdivided remainder of the property shall be prepared and submitted by the Subdivider.
- 3.2.10 Private Streets. Private streets shall not be approved, except when required by state law, or in connection with a Planned Unit Development having appropriate controls.
- 3.2.11 Street Offsets. Street offsets with center line offsets of less than one hundred fifty (150) feet shall not be allowed.
- 3.2.12 Dedication of Right-of-Way. Whenever an arterial is located adjacent to the outer edge of a subdivision, one half ($\frac{1}{2}$) of the right-of-way necessary to widen the arterial to as deemed necessary by the current adopted Engineering Design Criteria, unless otherwise addressed in the adopted Transportation Master Plan, or as deemed necessary by City Engineer or designees, shall be dedicated, if it is determined by the Planning Commission and City Council that such dedication is equitable and feasible for the other half of the right-of-way from the adjacent property. Half street dedications on minor streets are prohibited.
- 3.2.13 Cul-de-sac Streets. All dead-end streets having a length of more than one hundred fifty (150) feet shall terminate in a cul-de-sac which has a circular turn around having a minimum right-of-way radius of sixty (60) feet and a pavement radius of fifty (50) feet. No such dead end cul-de-sac street shall be more than six hundred (600) feet in length measured from the entrance to the center of the turnaround.
- Any dead-end streets having a length of less than one hundred fifty (150) feet shall not terminate in a private drive.
- Dead end streets without a cul-de-sac should be limited to any street not containing a lot that requires refuse pickup. If there is a proposed road extension on a temporary dead-end road that has any lots on it, then a temporary cul-de-sac or hammerhead turn-around is required.
- 3.2.14 Collector Streets. Collector streets shall be so located as to provide for smooth traffic flow from local streets to arterials. Collector streets should normally be continuous for distances of not more than one half ($\frac{1}{2}$) mile, and offsets which are likely to induce continuing of traffic flow beyond that distance shall be avoided.
- 3.2.13 Street Names and Numbers. No street names shall be used which will duplicate or be confused with the names of existing streets. All north and south thoroughfares shall be

designated "Avenues", all east and west thoroughfares shall be designated as "Street" "Court", "Circle" or "Place", and numbering of streets shall be according to the Tulsa County system. The exception to this shall be in the Owasso Original Town area which is generally defined by the original Cherokee Nation Plat. Where a street is an extension of an existing street, the existing name shall be used. Where a new street is not an extension of an existing street, new names or numbers may be used subject to the approval of the Planning Commission and City Council.

The Administrator shall be responsible for the coordination of addressing lots, naming streets, and changing the addresses of lots. Lot address numbers and street names shall be established by the City Addressing Coordinator and then shown on the Final Plat by the Subdivider. Corner lots will be assigned addresses at to accommodate all possible frontages at platting; upon permitting, the final address will be determined based on which street the main structure fronts.

3.2.14 Intersections. Streets shall be designed to intersect at right angles or as near to right angles as possible. Within subdivisions, three-way intersections are preferable to four-way intersections. Right-of-way corners at residential-to-residential intersections shall have a minimum radius of twenty-five (25) feet. Right-of-way corners involving all other intersections shall have a minimum radius of forty (40) feet.

3.2.15 Street Layout. Local roads shall be curved whenever possible to avoid uniformity of lot appearance and to slow traffic. All streets shall be arranged to be lower than the adjoining so as to obtain as many as possible of the building sites at, or above, the grades of the streets. Unless a Variance is approved by the Owasso Board of Adjustment for reason of topographical uniqueness or hardship, all building sites shall be situated above the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided. Specific standards are contained in the Owasso Engineering Design Criteria.

All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated right-of-way as already established.

Minor or local streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.

The rigid rectangular grid street pattern should be avoided and the use of curvilinear streets, cul-de-sacs, or U-shaped streets shall be encouraged where such use will result in a more desirable layout.

Unless maintained by a homeowners' association, islands in streets shall be avoided.

3.2.16 Right-of-Way Widths. Minimum right-of-way of all proposed streets shall be of the width specified in the adopted Transportation Master Plan, or as deemed necessary by City Engineer or designees, or if no width is specified therein, the minimum width from the section line shall be as follows:

Figure 3. Right of Way Widths

Type of Street	Minimum Right-of-Way Width
Highway	As required by the standards of the Oklahoma Department of Transportation
Arterial	120 feet*
Commercial or Industrial Collector	80 feet

Type of Street	Minimum Right-of-Way Width
Residential Collector	60 feet**
Residential Local	50 feet
Commercial Alley	30 feet
Residential Alley	30 feet
Cul-de-Sac Radius	60 feet

***Arterial Streets shall show an additional twenty (20) feet of right-of-way width for one hundred (100) feet in each direction from Arterial Street intersections to allow for right turn lanes.**

****Collector Streets shall show an additional thirteen (13) feet of right-of-way width for one hundred (100) feet in each direction from Arterial Street intersections to allow for a center turn lane.**

- 3.2.17 Paving Width. The minimum paving width for all streets shall conform to the Owasso Design Criteria.
- 3.2.18 Grades. The grades of streets shall conform to the requirements of the Owasso Design Criteria.
- 3.2.19 Street Alignments. The horizontal and vertical alignments of streets shall conform to the requirements of the Owasso Design Criteria.
- 3.2.20 Approach Angle. Street and alley approach angle(s) shall not exceed a grade change of 10% or as defined by the current adopted Fire Code and Owasso Design Criteria.
- 3.2.21 Traffic Calming Devices. Traffic Calming Devices, including but not limited to speed tables/speed humps, signage, raised crosswalks/intersections, striping, and/or narrowing of roadways, may be required for straight lengths of roadway in excess of three hundred and fifty (350'), or at the discretion of the Community Development Director or their designee.

3.3 Alleys.

- 3.3.1 Commercial and Industrial Districts. Alleys may be required by the Planning Commission and City Council in commercial and industrial zoned districts to provide service access, off-street loading and unloading, parking, and access for police and fire fighting services. Such alleys shall be not less than thirty (30) feet in width of right-of-way.
- 3.3.2 Residential Districts. Alleys are not required for residentially zoned properties, but when provided shall not be less than thirty (30) feet in width of right-of-way.
- 3.3.3 Alignment. Horizontal changes in alignment shall be gradual and at intersection corners shall have a radius of twenty-five (25) feet if connecting to a residential local or a radius of forty (40) feet if connecting to all other street types to permit safe vehicular turning movements. If said alley is adjacent to any utility easements, the radius dimension may be lessened as deemed necessary by the City Engineer or designee.
- 3.3.4 Dead-End Alleys. Dead-end alleys shall be avoided where possible, but where unavoidable, shall be provided with an adequate vehicle turnaround at the terminus as determined by the City Engineer.
- 3.3.5 Obstructions. No obstructions shall be permitted in areas reserved for alleys.

3.4 Sidewalks. Sidewalks shall be installed along both sides of all streets in all zoning districts except industrial. Sidewalks must be located inside the right-of-way line or in an alternative location approved by the City or County Engineer. The design and location

shall be in accordance with the Owasso Design Criteria. Subdivisions shall include sidewalks located in such a manner that pedestrian access is provided to adjacent land. Subdivisions in RE (Residential Estate) and AG (Agricultural) Zoning Districts are not required to have sidewalks if the development contains a pedestrian trail in a common area or reserve area connecting the development with adjacent properties.

- 3.4.1 Escrowing Sidewalks. In some situations where the City anticipates a new road construction project in the near term, the City may allow the escrowing of sidewalks in lieu of construction. Said allowances shall be determined during the TAC review of the proposed development. An amount that reflects the current market value to install a sidewalk, and all related infrastructure, shall be the fee assessed for this sidewalk escrow; this amount will be calculated on a "per linear foot" basis.
- 3.4.2 Waiver. The City Engineer, or their designee, may waive or defer the requirement for sidewalk installation in situations where topography, natural resource constraints or other factors that are unique to the subject property make sidewalk installation impractical.
- 3.4.3 Design Standards. The minimum sidewalk width is five (5) feet, but this may vary depending upon the location of the development and whether the abutting street is identified as a "complete street" (see Figure 4 below). Sidewalk widths are determined at the time a development proposal is submitted for review. When a sidewalk will provide a connection between existing sidewalks that are less than otherwise required widths, the new sidewalk connection may be constructed to match the width of the adjacent sidewalks. This reduced width option may not be used when one end of the new sidewalk will provide a connection to future sidewalks for new development. In such cases, the new sidewalk must be tapered to provide a transition between differing sidewalk width sections.

Figure 4. Sidewalk Widths:

<u>Complete Street</u>	<u>Non-Complete Street</u>
Eight (8) foot wide on one side of street, Five (5) foot minimum width on the other side	Five (5) foot minimum

3.5 Trails. When a trail or trail extension, as identified in a local comprehensive plan or a trails plan that has been adopted by the governing body is located on the subject property, the Planning Commission is authorized to require that an easement be provided for the trail. Trail easements are to be (20) twenty feet in width. Trail widths shall be a minimum of eight (8) feet.

3.6 Easements.

3.6.1 General. In the dedication of easements and rights-of-way, the developer shall stipulate that no building, structure, or other above or below ground obstruction shall be placed, constructed, installed, or permitted on such easement or rights-of-way in a manner that will interfere with the installation, operation, maintenance, repairing, removing, or replacing of utilities.

- 3.6.2 Width. Easements shall be of a minimum width of twenty-two (22) feet, eleven (11) feet on each rear lot line and along each side lot line, and seventeen and one half (17.5) feet (or of a width as specified by the Technical Advisory Committee and City Engineer) on the subdivision perimeter for poles, wires, conduits, drainage, sanitary sewer, gas, water, power, cable television, and other utility lines.
- 3.6.3 Continuity. Utility easements shall connect with easements established in adjoining properties. These easements, when approved, shall not thereafter be changed without the approval of the City Council, by Ordinance, after review and recommendation by the City Engineer.
- 3.6.4 Drainage Easements. Drainage easements for storm sewers are required for all associated infrastructure that crosses property boundaries and/or flows offsite of the subject property. Open channels shall not be the primary drainage mechanism. These easements may be along the side lot lines, but usually the design should be such that the drainage will be carried in the street right-of-way. Additional right-of-way width may be required. All drainage easements shall be of a size to allow equipment access for construction and maintenance of the facility.

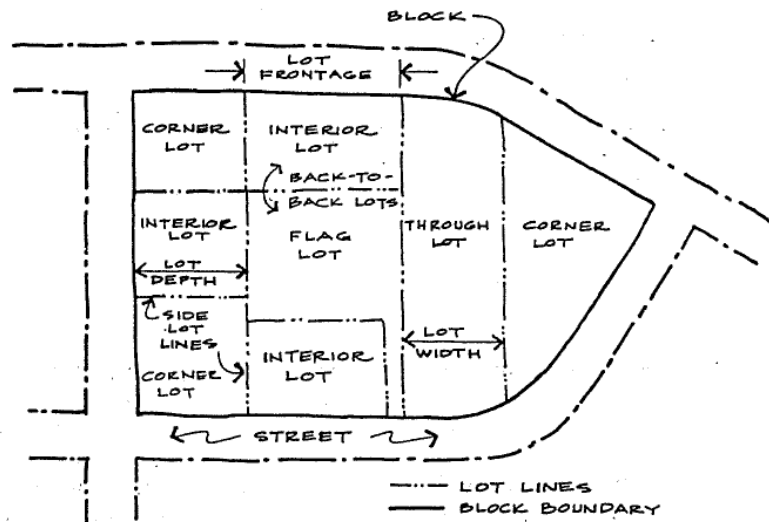
Within residential developments, all open-flow channels must be platted as an individual parcel, to be dedicated to the City or as a Reserve Area to be maintained by the Home Owner's or Property Owner's Association. Underground storm sewer infrastructure crossing residential lot boundaries shall be allowed so long as said infrastructure is contained within a drainage easement.

- 3.7 **Public Areas and Open Spaces.** Public parks, playgrounds, school sites, and other public areas and open spaces shall be provided in accordance with the requirements and standards set forth in the Land Use Master Plan and in the Ordinances and/or Resolutions relating thereto.

3.8 **Lot Terms**

- 3.8.1 Access. Every lot shall abut a street dedicated to the public or a private street of an approved Planned Unit Development or other approved access.
- 3.8.2 Through or Double Frontage. Subdivisions should be designed so that lots do not front on two parallel streets except where a row of lots is designed to separate residential development from through traffic or overcome specific disadvantages of terrain and orientation.
- 3.8.3 Zoning Code Requirements. Lot dimensions, yard sizes, building setback line dimensions, and lot areas shall conform to the minimum requirements of the Zoning Code.
- 3.8.4 Corner Lots. Where possible, lots at the intersections of streets should exceed minimum Zoning Code area requirements to provide adequate building areas and required building setbacks from intersecting streets.
- 3.8.5 Lot Depth. Unless otherwise stated in the relevant Chapter of the adopted Owasso Zoning Code, excessive lot depth in relation to lot width is prohibited. The maximum lot depth shall not be greater than the quotient of the lot width divided by 0.45 (45%). In other words, the maximum lot depth = lot width / 0.45.
- 3.8.6 Lot Lines. Side lot lines should be approximately at right angles to straight street lines or radial to curved street lines.
- 3.8.7 Parking and Loading. Commercial and Industrial lots should be of an appropriate size and shape to provide for adequate off-street parking and loading facilities.
- 3.8.8 Lot Types. The most common lot types are illustrated in Figure 5, below.

Figure 5. Lot Types



- 3.9 Blocks.** The length, width, and shape of blocks shall be well suited for the planned use of land, consistent with Owasso Zoning Code requirements and the need for convenient access, control, and safety of street traffic and the limitations of terrain. If a Block is separated by a Reserve Area or larger utility easement, the resulting tract(s) of land will need to be included in a new Block, with its own unique Block number.
- 3.9.1 **Length.** Blocks for residential use shall normally not exceed one thousand three hundred and twenty (1320) feet in length. When such a block exceeds eight hundred (800) feet, the City of Owasso may require a dedicated easement not less than fifteen (15) feet in width and a paved crosswalk according to ANSI standards to provide pedestrian access across the block.
- 3.9.2 **Width.** Blocks for residential use shall have sufficient width to provide for two (2) tiers of lots of appropriate depth, except on the boundaries of a proposed subdivision or where it is important to separate residential development from other types of development or through traffic. Blocks intended for commercial, office or industrial uses should be of a width suitable for the intended use, with due allowance for off-street parking and loading facilities. Blocks for such uses should normally not exceed six hundred (600) feet in length.
- 3.10 Flag Lots.** The creation of flag lots may be approved subject to the provisions below and approval by the Planning Commission:
- a. To avoid direct access onto a major street;
 - b. Provide greater protection of sensitive natural resources areas
 - c. Hide or conceal utility buildings/substations, or radio, television or telecommunication towers;
 - d. In subdivisions that contain a golf course or natural buffer;
 - e. Avoid substantial hardship to the subject to the subject property owner due to the property's topography or another condition that is unique to the property.

Flag lots created prior to annexing into City Limits shall be allowed to continue to exist until such a time as any additional subdividing actions are taken on the property.

The Planning Commission is authorized to impose conditions on the approval of a flag lot, including but not limited to requirements for shared driveways, maximum flag lot length, minimum street frontage and minimum flag pole width.

3.11 Building Lines and Elevations.

- 3.11.1 Zoning Code Requirements. Building lines shall not be required to be shown on all subdivision plats in accordance with the requirements of the Zoning District in which the subdivision is located unless a variance is issued by the Board of Adjustment or superseded as specified by the Planned Unit Development text.
- 3.11.2 Zero Lot Lines. In areas of the subdivision where zero lot lines are permitted, appropriate provisions in plats and restrictive covenants may be permitted. The subdivider must label the lot boundary that will function as the "zero lot line" on the tract(s) of land.
- 3.11.3 Restrictions on Plat. Restrictions requiring buildings to be located within the building lines shown on the Plat shall be set forth on the Plat or on a separate recorded instrument.
- 3.11.4 Pad Elevations in Flood Areas. Minimum building pad elevations shall be shown on each lot included in the Final Plat, where said lots are contained within an identified flood area.

3.12 Flood Plain Areas.

- 3.12.1 Prohibitions and Exceptions. As stated within the adopted City ordinance regulating floodplains, areas identified by the official flood plain maps of the City of Owasso as subject to flooding hazards and periodic inundations shall not be subdivided into lots, tracts, or parcels for any use which would be incompatible with such flooding hazards unless:
 - a. Improvements meeting the standards and requirements of the City Engineer are designed to render such land safe for residential or other uses, or
 - b. The intended use of the land is permitted by City Ordinances or permitted by Variance or Special Exception as outlined by City Ordinance.

3.13 Oil and Gas Wells.

- 3.13.1 Setback from Producing Wells. Where there is found to be a producing oil or gas well which is within the boundaries of a proposed subdivision, there shall be a building setback line so placed on the plat to prevent the construction of a building within one hundred and fifty (150) feet of such well.
- 3.13.2 Setback from or Plugging of Abandoned Wells. Prior to receiving final approval of a Plat, all oil and gas wells within the boundaries of a proposed subdivision shall be adequately plugged according to the standards established by State law and the Oklahoma Corporation Commission, and be so certified by said Commission. In lieu of plugging such wells, a building setback line shall be so placed on the Plat to prevent the construction of a building within one hundred and fifty (150) feet of such a well. In any event, a certificate of clearance shall be obtained from the Oklahoma Corporation Commission as to the existence of any wells reflected in their records.
- 3.13.3 Access. Access shall be provided and so indicated on the face of the Plat for all unplugged wells for the purpose of maintenance and rework.

3.14 **Hillside Development.** The development of hillside areas or any area with a slope of greater than eight (8) percent shall be designed to minimize grading and filling and retain natural ground cover. Areas with slopes in excess of twenty (20) percent shall be utilized as open space or developed in accordance with a Planned Unit Development as defined by the Owasso Zoning Code.

3.15 **Planned Unit Development.** When a subdivision is developed as a Planned Unit Development in accordance with applicable provisions of the Owasso Zoning Code, the Planning Commission and City Council may adjust the requirements of these Regulations in order to allow the Subdivider more freedom in the arrangement of the subdivision but at the same time protect the convenience, health, safety, and welfare of the probable future residents of the subdivision as well as the character of the surrounding property and the general welfare of the entire community.

3.16 **Stormwater Drainage and Detention.** Every subdivision shall be provided with a storm water drainage system adequate to serve the area being platted. Such storm water drainage system shall be designed so that property located downstream from and upstream from the subdivision shall not be injuriously affected by the construction, operation, or maintenance of such system. Storm water detention and drainage systems shall be designed according to the Owasso Design Criteria. The covenants of each subdivision shall require that the subdivision's homeowners' or property owners' association be responsible for the maintenance of the stormwater drainage system and detention facilities.

3.17 **Homeowners' or Property Owners' Associations.** For every residential subdivision platted and developed in Owasso after the passage of these Regulations, a homeowners' association shall be created. Enforcement of the subdivision's covenants and ownership and control over the subdivision's common areas shall be transferred to the homeowners' association by the time that eighty-five (85) percent of the lots within the subdivision have received building permits.

For every non-residential subdivision or mixed-use subdivision platted and developed in Owasso that contains common or reserve areas, a property owner's association shall be created.

3.18 **Required Infrastructure and Public Improvements.** Except as otherwise expressly stated, developers are responsible for the construction and installation of infrastructure and public improvements in accordance with the regulations of this article. Required infrastructure and improvements must comply with all applicable design criteria and standard specifications laid out in the Owasso Engineering Design Criteria.

All improvements must be designed and installed to provide for a logical interconnected system of infrastructure and to create continuity of improvements that will facilitate land development on adjacent properties.

CHAPTER 4 – SUBDIVISION CONSTRUCTION PROCEDURES

4.1 **Improvements Shall Meet Established Standards.** All improvements shall be designed and installed in accordance with the Owasso Design Criteria established by the City Engineer and approved by the City Council. The City Engineer may establish special standards in excess of the Owasso Design Criteria which are generally applicable to safely accommodate unusual circumstances or the heavy commercial and industrial use of streets, utilities, water, sewer, and other public improvements.

4.2 **Improvements Required.**

4.2.1 **Street Improvements.** The Subdivider shall design, grade, oversee, test, and otherwise improve all streets which are designated on the approved Plat or which directly serve the subdivision in accordance with the Owasso Design Criteria as directed by the City Engineer.

4.2.2 **Street Traffic Control Devices, Signs, and Names.** At their expense, the Subdivider shall provide and install all traffic control devices and signs required by the City prior to acceptance of the street by the City Council. Street name signs are to be furnished and installed by the Subdivider at all intersections within or abutting the subdivision, the type of which shall be in accordance with the specifications of the Owasso Design Criteria and locations approved by the Director of Public Works. Street names shall be determined by City Addressing Coordinator and approved by the Address Committee.

4.2.3 **Monuments and Markers.** The location of all permanent markers shall be shown on the face of the Final Plat. Permanent reference markers shall be placed according to the specifications of the Owasso Design Criteria.

4.2.4 **Public Water Supply.** Where an approved public water supply is reasonably accessible, the Subdivider shall install water lines and fire hydrants to connect with such water supply and make it available for each lot within the subdivided area.

4.2.5 **Stormwater Drainage and Detention Facilities.** The Subdivider shall provide a stormwater drainage system that is designed and constructed in accordance with the Owasso Design Criteria.

4.2.6 **Sanitary Sewer System.** Unless an exemption is granted in writing by the City Engineer, all lots platted within the Owasso City limits shall be provided with a connection to sanitary sewer. All connections shall be subject to the approval of the City Engineer and be in accordance with all the applicable regulations of the Oklahoma Department of Environmental Quality.

Where a public sanitary sewer system is not reasonably accessible but where plans for the installation of private sanitary sewers in the vicinity of the subdivision have been prepared and approved by the Oklahoma Department of Environmental Quality, the Subdivider shall install sewers in conformity with such plans.

4.2.7 **Utilities.** All utilities shall be installed within easements specified on the subdivision plat.

4.3 **Construction Plans.** The Subdivider shall submit a pdf copy (one pdf marked set will be returned to the applicant) of the Construction Plans for streets, drainage and detention, sanitary sewer, and water systems, including off-site systems and erosion control. The Construction Plans shall show basic horizontal configurations, connections to existing utilities, sizes and locations of proposed lines, proposed street widths and horizontal curves, locations of storm sewers, and detention facilities.

- 4.4 City Engineer Review.** Upon completing their review, the City Engineer shall submit their comments to the Subdivider. All comments suggesting revision shall be accompanied by a reference to appropriate sections of the Subdivision Regulations or Design Criteria. The City Engineer's comments shall be delivered to the Subdivider. No construction may commence prior to the subdivider obtaining all necessary approvals from, but not limited to, the City Engineer and the Oklahoma Department of Environmental Quality. Said City Engineer review occurs within the Engineering Division of the Public Works Department, and is separate from any reviews undertaken by other City Departments.
- 4.5 At-Risk Construction.** Per adopted State Statute, no at-risk construction is allowed. Any at-risk construction undertaken by the subdivider, prior to approval of said plans by the Department of Environmental Quality and the City Engineer shall solely be at the Subdivider's risk and that the City shall not be liable for damages sustained by reason of construction having taken place before approval of the plans by the State and the City Engineer
- 4.6 Preconstruction Conference.** The Subdivider shall be required to participate in a pre-construction meeting with the appropriate City Staff, as facilitated by the Public Works Department.
- 4.7 Construction of Public Utilities and Facilities.** Following the approval of the Construction Plans, the Subdivider shall complete in a manner satisfactory with the City Engineer all required improvements, and said improvements shall be free and clear of all liens, claims, and encumbrances.
- 4.8 Inspections and Certifications.** The City Engineer shall inspect the construction of the required improvements for defects. Upon completion of the improvements, the City Engineer shall file with the City Council a statement either certifying that the improvements have been completed in accordance with the Owasso Design Criteria or that the improvements are defective, listing the defects.
- 4.9 As-Built Construction Plans.** Upon completion of the improvements, the Subdivider and their engineer shall file with the City Engineer a set of As-Built Construction Plans certified and signed by a registered engineer for said improvements, as instructed by the City Engineer or their designee. These As-Built Plans need to be submitted to the City Engineer prior to the acceptance of all public improvements by the City Council.
- The As-Built Construction Plans shall certify:
- a. That all required improvements are complete;
 - b. That the subdivision improvements are in compliance with these Regulations and the Owasso Design Criteria;
 - c. That the Subdivider knows of no defects in the improvements, and
 - d. That the subdivision improvements are free and clear of any encumbrance or lien.
- 4.10 Maintenance Bond.** Prior to acceptance of those improvements by the City Council, the Subdivider shall obtain a maintenance Surety for the maintenance of said improvements as provided herein. The Surety shall be in the form of a maintenance bond from a surety bonding company authorized to do business in the State of Oklahoma or an irrevocable letter of credit from a financial institution regulated by the State Banking Department or the United States Treasury Department. The Surety shall be filed with the City Clerk and shall be payable to the City of Owasso. The amount of the Surety shall be equal to one hundred percent (100%) of the entire cost of materials for all water lines, sewer lines, paving, and storm sewer improvements which the City shall

accept for maintenance. The duration of the maintenance Surety for all public improvements shall be two (2) years from the date of acceptance of said improvements by the City Council.

4.11 **Acceptance of Improvements.** The Owasso City Council shall formally accept, by Resolution or Ordinance, any or all improvements before such improvements become public property, provided that all statements and agreements specified above have been received and that As-Built Construction Plans have been submitted. No building construction shall be permitted on any lot to, or on which, improvements have not been completed in accordance with the provisions of these Regulations and no municipal utility service will be furnished to such lot.

CHAPTER 5 – FEES

- 5.1 **Area Park, Recreational, and Cultural Requirements.** All residential subdivision plats having a dwelling unit density of greater than one (1) unit per acre shall dedicate, according to the requirements hereinafter specified, a fee to be utilized by the residents of the subdivision and the City of Owasso.
- 5.1.1 **Park Development Fee.** In order to provide for area parks, cultural, and recreation needs for newly developing areas of Owasso, a Park Development Fee shall be assessed on each lot or multi-family unit created by subdivision, re-subdivision, or lot split. The Park Development Fee shall be assessed when a building permit is applied for.
- 5.1.2 **Definitions.** For the purposes of this Chapter, the following definitions are established:
- a. **Residential Dwelling Unit.** Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities that are used or intended to be used for living, sleeping, and cooking by one (1) or more individuals living together.
 - b. **Bedroom.** Any room within a residential dwelling unit which is designed to be used for sleeping purposes and containing a closet of sufficient size to hold clothing. One living room with entry closet shall not be considered a bedroom in each residential dwelling unit other than a studio or efficiency apartment.
 - c. **Person.** Any domestic or foreign corporation, firm, association, syndicate, joint stock company, partnership of any kind, joint venture club, society, or individual.
 - d. **Mobile Home.** A vehicle other than a motor vehicle, designed or used for residential purposes, for carrying persons and property on its own structure, and for being drawn by a motor vehicle.
 - e. **Mobile Home Lot.** Any area or portion of a Mobile Home Park designated, designed, or used for the occupancy of one (1) mobile home or a temporary, semi-permanent or permanent basis.
 - f. **Mobile Home Park.** Any area or tract of land established under the Mobile Home Park District of the Owasso Zoning Code.
- 5.1.3 **Fee Structure.** A Park Development Fee, totaling an amount defined in the adopted Owasso Fee Schedule, is hereby imposed on the privilege of constructing any residential dwelling unit or mobile home lot in the City of Owasso and every person to whom a permit to construct a residential dwelling unit is issued, shall pay to the City of Owasso such fee. The fee will be assessed based on the number of dwelling units proposed to be constructed within the subdivision.
- 5.1.4 **Park Development Fund.**
- a. All fees collected under these Regulations shall be placed in the Parks Development Fund.
 - b. **Use of Funds.**
 - 1. All Park Development Fees collected under these Regulations shall be used and expended for the acquisition, purchase, developing, improving, and equipping public parks, playgrounds, and cultural and recreational facilities located in the corporate limits of the City of Owasso and shall never be used for operating public park facilities or any other purpose.

2. All Park Development Fees collected under these Regulations shall also be used for the development of any of the above-described facilities constructed or installed within or upon public property owned by the City of Owasso or property in which the City has a leasehold interest or where the City is given a right to use the same for public playground or recreational purposes. All such funds shall be spent in areas reasonably close to where they are collected, and in as timely a fashion as possible.
- c. Purchase of Land. At such time as the City Council, based upon the recommendations of the Planning Commission, determines that there are sufficient funds achieved from a certain area in the Park Development Fund for the acquisition, purchase, developing, improving, and equipping public parks, playgrounds, and cultural and recreational facilities located in the corporate limits of the City of Owasso, the Council shall cause negotiations to be undertaken to purchase the site by mutual agreement or by condemnation proceedings. The principal and interest deposited and kept in the Park Development Fund shall be used solely for the purposes of purchasing land for area parks, recreation and cultural uses.
- 5.1.5 Place of Payment. The Park Development Fee shall be paid at the time of purchase of the building permit in the office of the Community Development Department of the City of Owasso.
- 5.1.6 Refund of Fees. Any fee paid to the City under these Regulations for any residential dwelling unit which is not constructed shall be refunded upon application of the applicant and a showing to the satisfaction of the Building Inspector that the building or unit has not been constructed or construction commenced and that the building permit issued for the building or unit has been canceled or surrendered or otherwise does not authorize the construction of the building or unit.
- 5.1.7 Exemptions. The fee imposed under this Article shall not apply to the following:
- a. Construction or reconstruction of a residential dwelling unit which was damaged or destroyed by fire, flood, or other cause over which the owner had no control (provided that compliance with any building code or other Ordinance requirement of the City of Owasso or of any other applicable law shall not be deemed a cause over which the owner has no control), but only if the number of bedrooms in the dwelling unit is increased, then the fee imposed under this Ordinance shall apply to such increased number of bedrooms.
 - b. Enlargement, expansion, remodeling and/or alteration of a residential dwelling unit but only if the number of bedrooms therein is not increased. If the number of bedrooms in the dwelling unit is increased, then the fee imposed under this Ordinance shall apply to such increased number of bedrooms.
- 5.1.8 Provision for the Dedication of Lands in Lieu of Fees. The City Council, at its sole option, may accept the dedication or reservation of suitable sites for area parks, playgrounds, cultural facility or other public recreational area providing that the land to be dedicated is located within an area designated by the Master Plan, as having a significant need for an area park.
- a. Land accepted for dedication under the requirements of these Regulations shall be conveyed by either of the following methods:
 1. By dedication within the plat to be filed for record in the Office of the County Clerk.

2. By Warranty Deed transferring the property in fee simple to the City of Owasso.

In any event, land must be free and clear of any mortgages or liens at the time of such dedication or conveyance.

- b. The value of real estate dedicated for recreation or cultural purposes shall be determined as the price of the land at the time of purchase by the land owner who is making application for subdivision. Usability of land for development should be considered when establishing the price (for example, development of flood prone land is restricted by Ordinance).
- c. If agreement cannot be reached as to the credit for the real estate, an arbitration procedure shall be invoked. The City and the applicant shall each select the name of one (1) arbitrator and shall immediately thereafter notify each other in writing of the name and address of the person so selected. The two (2) arbitrators so selected and named shall agree upon and select a third arbitrator. The decision of the arbitration panel shall be final.

5.1.9 Private Recreation Facilities Credit. When a master plan of development allocates space for a private recreational facility, with usage not open to the general public, to serve three (3) or more residential dwelling units such as, but not limited to, the following: swimming pool, tennis court, recreational building or center, recreational facility area, developed open space, or combination of any of the above, the Council may waive part or all of the fee established by this Article. The size, quality, and design of such facility which will entitle such dwelling units to a credit on the fee otherwise required, and the amount of such credit shall be determined by negotiation between the parties. If agreement cannot be reached, an arbitration procedure shall be invoked.

5.1.10 Residential Planned Unit Development (PUD) Credit. The City Council, in the case of a Residential Planned Unit Development, may waive part or the entire fee established in this Article. Such waiver may be granted when, in the opinion of the Council, common areas, created and developed in a Residential Planned Unit Development pursuant to the Chapter on Planned Unit Developments in the Owasso Zoning Code; the regulations in this Chapter in the Zoning Code provides recreation opportunity for the residents of said areas sufficient to impose no measurable increment in the need for neighborhood park acreage.

5.1.11 Public Recreational Facilities Credit. When a master plan of development allocates space for a public recreational facility, with said facility constructed either solely at that person's expense or in concert with others, and said facility serves the general public, to serve three or more residential dwelling units, such as, but not limited to, the following: swimming pool, tennis court, recreational building or center, recreational facility area, area park, cultural facility, or combination of any of the above, the City Council may waive part or all of the fee established in this Article if it is in conformance with the recreation portion of the Master Plan.

5.1.12 Maintenance of Private Recreation Facilities. Maintenance of private recreation facilities approved by the City in lieu of Park Fees will be the responsibility of the owner(s) or homeowners' association(s). The City of Owasso will not maintain lands or facilities not dedicated to the public.

5.2 Emergency Siren Fee. In order to provide adequate warning of severe weather for newly developing areas of Owasso, an Emergency Siren Fee shall be assessed on each acre of a newly created subdivision. The Emergency Siren Fee shall be payable upon

approval of the Final Plat, prior to the Subdivider recording said plat with the County of record.

5.2.1 Fees.

- a. Fee Imposed. An Emergency Siren Fee is hereby imposed on the privilege of subdividing any land within the City of Owasso and every person subdividing land within the City of Owasso, shall pay to the City of Owasso such fee at the following rate.
- b. Fee Schedule. A fee totaling an amount defined in the adopted Owasso Comprehensive Fee Schedule.
- c. Use of Funds. All fees collected under this Ordinance shall be used and expended for the acquisition and/or purchase of emergency sirens only.

5.2.2 Place of Payment. The Emergency Siren Fee shall be paid prior to recording the subdivision plat. Said fee shall be paid in the Office of the Community Development Department.

5.2.3 Refund of Fees. Any Emergency Storm Siren fee paid to the City for any subdivision which is not recorded shall be refunded upon application of the applicant. Application for refund must be received by the Administrator within two (2) years of the date of City Council approval.

5.3 Additional Infrastructure Payback Fees. In order to provide reimbursement to the City of Owasso for the cost of extending infrastructure including, but not limited to, sanitary sewer lines, water lines, and regional detention facilities, in various parts of the community, Payback Fees shall be assessed on a per acre basis to new subdivisions that connect to certain municipally-funded infrastructure and/or mains. These various Payback Fees shall be payable upon approval of the Final Plat, prior to the Subdivider recording said plat with the County of record.

5.3.1 Fees.

- a. Fee Imposed. A set of Payback Fees is hereby imposed on the privilege of subdividing any land within the City of Owasso and every person subdividing land within the City of Owasso shall pay to the City of Owasso such fee(s) established in the adopted Owasso Code of Ordinances.
- b. Fee Schedule. A fee totaling an amount defined in the adopted Owasso Comprehensive Fee Schedule.

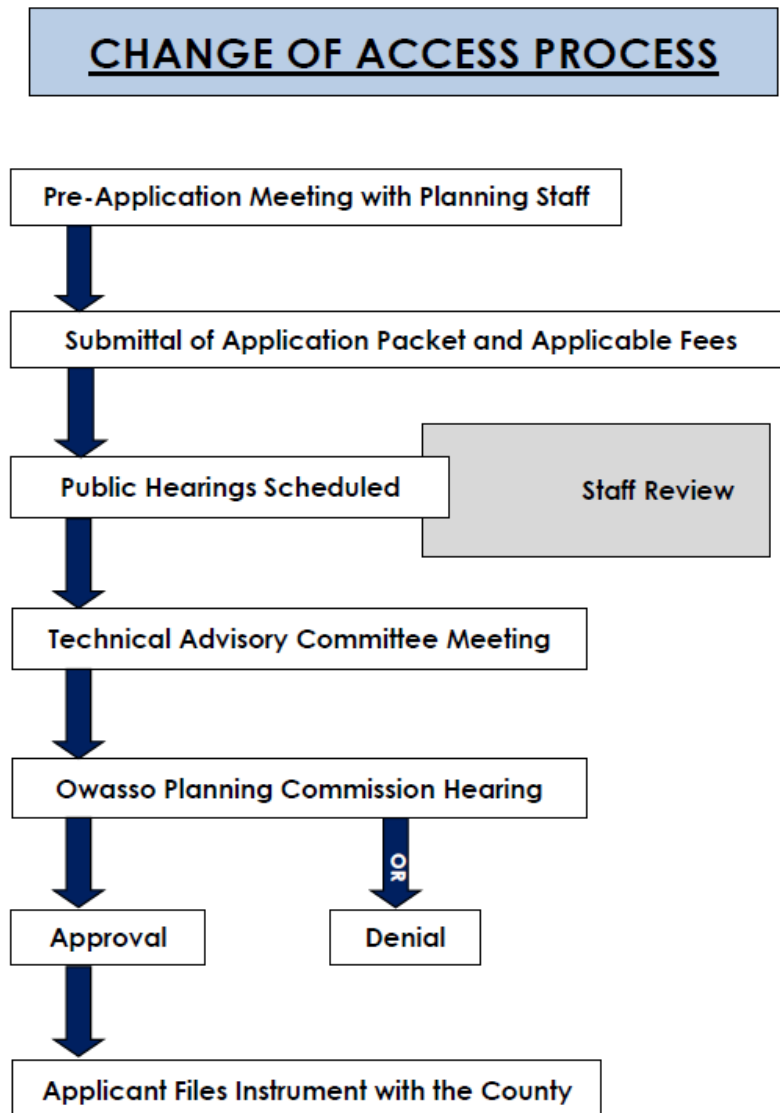
5.3.2 Place of Payment. The relevant Infrastructure Payback Fee(s) shall be paid prior to recording the subdivision plat. Said fee shall be paid in the Office of the Community Development Department.

5.3.3 Refund of Fees. Any Infrastructure Payback Fee(s) paid to the City for any subdivision which is not recorded shall be refunded upon application of the Subdivider. Application for refund must be received by the Administrator within two (2) years of the date of City Council approval of the relevant Final Plat.

CHAPTER 6 – CHANGE OF LIMITS OF ACCESS

- 6.1** **Intentions.** When land has been platted under these Regulations, or under other applicable law, and the owner of all land affected proposes to add limits of no access to the plat, or to remove or otherwise alter limits of no access on the plat, such action shall not require replatting, nor shall it require vacation of the old plat.
- 6.2** **Application.** The owner shall request a Change of Limits of Access in writing to the Community Development Department via an application supplied by the Administrator, pay the Application Fee, and shall submit drawings of the proposed change(s). The completed application package should be submitted to the Administrator no later than the first (1st) business day of the month of the Technical Advisory Committee meeting at which the Change of Limits of Access will be reviewed.
- 6.2.1 **Specifications.** The drawing submitted by the applicant shall include the proposed change(s) to all relevant access point(s) and all existing curb cuts, buildings, drives, parking areas, easements, and other relevant items with their distances from lot lines and adjacent streets.
- 6.2.2 **Technical Advisory Committee Action.** The Technical Advisory Committee shall review the proposed change of access and evaluate whether the proposed changes would increase problems with the public traffic flow, utility easements, and/or the implementation of various plans adopted by the City, or would create problems with the flow of traffic on private streets owned by persons other than the applicant. TAC will make any comments they see fit, and these comments will be furnished to the applicant by the Administrator, to be addressed by the applicant. Refer to Figure 7, Change of Access Flowchart, below.
- 6.2.3 **Planning Commission Action.** The Planning Commission shall act upon the proposed Change of Access after it has been submitted to TAC; the Planning Commission will review the proposed change of access and evaluate whether the proposed changes would increase problems with the public traffic flow, utility easements, and/or the implementation of various plans adopted by the City, or would create problems with the flow of traffic on private streets owned by persons other than the applicant. Planning Commission will then take action to either approve or deny the proposed Change of Access. If the Change of Access is denied, grounds for the refusal shall be stated in writing, a copy of which shall be transmitted to the applicant.
- 6.2.4 **Further Administrator Action.** Upon approval by the Owasso Planning Commission, the Administrator shall draft an instrument outlining the change of access to occur. This instrument will then be given to the Planning Commission Chairperson and the City Engineer for approval signatures. Once signatures are obtained, the instrument will be given to the applicant for filing at the office of the County Clerk.

Figure 6. Change of Access Flowchart.



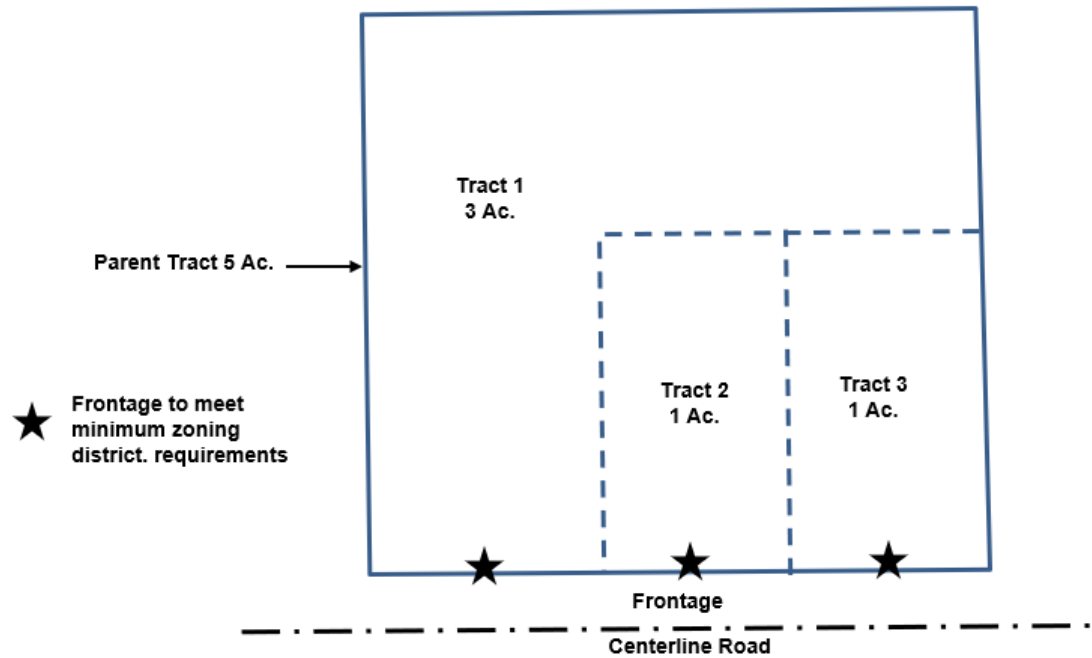
CHAPTER 7 – LOT SPLITS, LOT COMBINATIONS, AND LOT LINE ADJUSTMENTS

7.1 **Intentions and Definition.** This Chapter is intended to provide for a simplified method of regulating the subdivision, combination, and adjustment of small numbers of lots while still requiring that such action meets all the requirements of applicable City Ordinances and these Regulations.

7.1.1 **Lot Split Procedure.** A Lot Split is a minor subdivision of previously platted or unplatted land. The Administrator may approve a Lot Split, so long as it meets the following criteria:

- The lot split procedures of this section may not be used and no lot split application may be approved if the requested lot split would result in the creation of more than three (3) resulting lots from the original parent tract, and is required for any division of land resulting in tracts of (5) five acres or less.
- The maximum number of splits that may occur on the parent tract is three (3) in any five (5) year period immediately preceding the submittal date of the application. For the purposes of this section, the division of property by meets and bounds legal descriptions in the County of record shall be construed as a lot split. Additionally, the City shall reserve the right to require platting of the larger parent tract if it better serves the public interest.
- The Lot Split must involve lots fronting on an existing, dedicated street and may not involve the creation of any new public street or road.
- The Lot Split may not involve the extension of new municipal facilities, such as sewer or water lines.
- The Lot Split may not involve the creation of any public improvements, such as new public streets or land for public facilities.
- The Lot Split may not involve the creation of a lot that does not have access to an existing, dedicated street. This access may in the form of a recorded access easement.
- The Lot Split may not adversely affect the remainder of the parent tract or any adjacent properties.
- The Lot Split may not create a land locked parcel without concurrently dedicating a legal means of access to each proposed new tract, via a Mutual Access Easement; and
- The Lot Split may not be in conflict with any provision or portion of the currently adopted Land Use Master Plan, Zoning Code (unless approved by the Board of Adjustment), or these Regulations. Figure 8 below exemplifies a typical Lot Split configuration.

Figure 7. Typical Lot Split Configuration



7.1.2 Lot Combination Procedure. A Lot Combination involves the amalgamation of existing abutting lots, in order to create a single lot that is larger in size than the original lots. The Administrator may approve a Lot Combination, so long as it meets the following criteria:

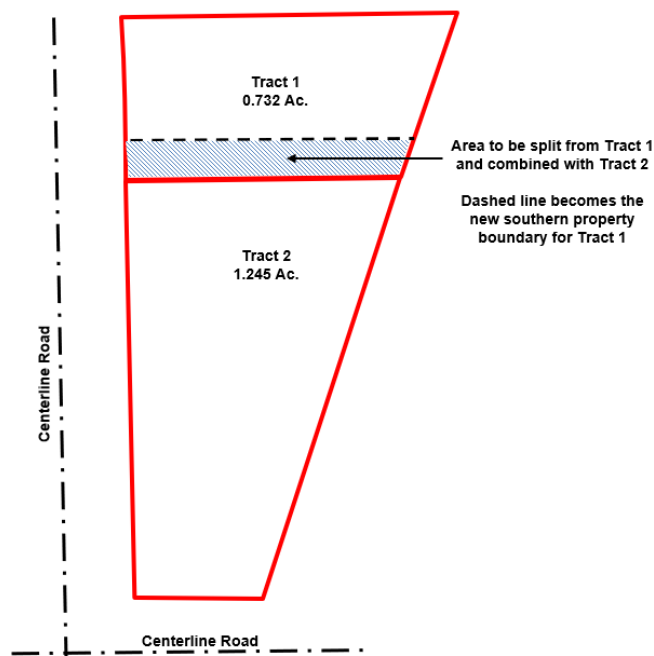
- Any lot(s) resulting from an approved Lot Combination may not be split further unless said lot(s) is(are) involved in a lot line adjustment request or split through the platting procedure outlined in these Regulations.
- The Lot Combination must involve lots fronting on an existing, dedicated street and may not involve the creation of any new public street or road.
- The Lot Combination may not involve the extension of new municipal facilities, such as sewer or water lines.
- The Lot Combination may not involve the creation of any public improvements, such as new public streets or land for public facilities.
- The Lot Combination may not involve the creation of a lot that does not have access to an existing, dedicated street. This access may in the form of a recorded access easement.
- The Lot Combination may not adversely affect any adjacent properties.
- The Lot Combination may not create a land locked parcel without concurrently dedicating a legal means of access to each proposed new tract, via a Mutual Access Easement; and
- The Lot Combination may not be in conflict with any provision or portion of the currently adopted Land Use Master Plan, Zoning Code (unless approved by the Board of Adjustment), or these Regulations.

7.1.3

Lot Line Adjustment Procedure. A Lot Line Adjustment involves the altering of the boundary between, or the reconfiguration of the shape of, existing abutting lots. The Administrator may approve a Lot Line Adjustment, so long as it meets the following criteria:

- A Lot Line Adjustment may not be used and no Lot Line Adjustment application may be approved if the requested lot line adjustment would result in the creation of more lots than existed before the lot line adjustment occurred.
- The Lot Line Adjustment must involve lots fronting on an existing, dedicated street and may not involve the creation of any new public street or road.
- The Lot Line Adjustment may not involve the extension of new municipal facilities, such as sewer or water lines.
- The Lot Line Adjustment may not involve the creation of any public improvements, such as new public streets or land for public facilities.
- The Lot Line Adjustment may not involve the creation of a lot that does not have access to an existing, dedicated street. This access may in the form of a recorded access easement.
- The Lot Line Adjustment may not adversely affect the lots involved in any adjoining properties.
- The Lot Line Adjustment may not create a land locked parcel without concurrently dedicating a legal means of access to each proposed new tract, via a Mutual Access Easement; and
- The Lot Line Adjustment may not be in conflict with any provision or portion of the currently adopted Land Use Master Plan, Zoning Code (unless approved by the Board of Adjustment), or these Regulations. Figure 9 below exemplifies a typical Lot Line Adjustment configuration.

Figure 8. Typical Lot Line Adjustment Configuration



7.2 **Application Procedure.** The Subdivider shall submit the relevant Lot Split, Lot Combination, and/or Lot Line Adjustment Application(s) to the Administrator, pay the Application Fee in an amount as provided by Ordinance, and shall submit exhibits that accompany the proposal in accordance with the specifications in the following subsections of these Regulations.

7.2.1 Copies. Unless instructed otherwise by the Administrator, one (1) PDF digital copy of each required exhibit must accompany the application.

7.2.2 Specifications. The applicant must provide the following exhibits for each lot involved in the requested Lot Split, Lot Combination, and/or Lot Line Adjustment, include the Original Parent Tract lot(s) and any lot(s) resulting from the requested action:

- A detailed property survey that includes all existing and proposed lot lines, all existing easements, all existing buildings and improvements and their distances from lot lines, adjacent streets and their widths, a north arrow, existing instruments, and a scale. This survey should be prepared by a registered land surveyor.
- A legal description of each parcel to be created, including the original parent tract and resulting tract(s).
- A certificate or certificates of closure, stating that each legal description provided does indeed close.
- A copy of all separate instruments, including but not limited to Mutual Access Easements and/or Utility Easements, affecting the land to be split, combined, and/or altered.

7.3 **Review Procedure.**

7.3.1 Distribution. The Administrator shall distribute copies of the application form and exhibits to the Technical Advisory Committee (TAC) for review.

7.3.2 Field Check. The Administrator may visually inspect the lots proposed to be split, combined, and/or altered and report any findings or concerns to the Technical Advisory Committee.

7.3.3 Review. The Administrator shall review the application for conformance with the Owasso Zoning Code, PUD conditions, Board of Adjustment actions, these Subdivision Regulations, and other City Ordinances.

7.3.4 Schedule Hearings. The Administrator shall schedule the Lot Split, Lot combination, and/or Lot Line Adjustment to be reviewed by the Technical Advisory Committee. Applicants should submit their Lot Split, Lot Combination, and/or Lot Line Adjustment application(s) by no later than the first (1st) of the month in which they would like the application to be considered by the Technical Advisory Committee.

7.3.5 Technical Advisory Committee Review. The Administrator shall present the application at a regular Technical Advisory Committee meeting where the Lot Split, Lot Combination, and/or Lot Line Adjustment may be reviewed by the Committee. The comment(s) made by the Technical Advisory Committee shall be compiled with that of the Administrator's comment(s) and then forwarded to the applicant for correction, if needed. Once said comment(s) are addressed by the applicant, a revised application, including any revised or additional exhibits deemed necessary by the Technical Advisory Committee, shall be resubmitted to the Administrator.

7.3.7 Administrator Review. After any subsequent resubmittal by the applicant, addressing any comments made by the Technical Advisory Committee, the Administrator shall

review the proposed Lot Split, Lot Combination, and/or Lot Line Adjustment and either approve, approve with conditions, or disapprove the application. The applicant will be informed of the Administrator's decision in writing. If the Lot Split is disapproved, the applicant may appeal the decision of the Planning Commission to the City Council.

7.3.8 Addressing Review. Any resulting tracts created by split, combination, or other alterations, must have their addresses reviewed or assigned by the City Addressing Coordinator and Addressing Committee. Addresses will be provided to the applicant before approval of their lot split, lot combination, or lot line adjustment may be granted, unless instructed otherwise by City Addressing Coordinator.

7.4 **Approval Guidelines.** The approval or disapproval of Lot Splits, Lot Combinations, and Lot Line Adjustments shall be based upon the following guidelines, as well as its adherence to the criteria outlined in the first Section of this Chapter:

7.4.1 Lots. Lot dimensions shall conform to Owasso Zoning Code standards. If the proposed tract(s) to be created do(es) not meet minimum Zoning Code standards, a Variance of the Zoning Code must be approved by the Board of Adjustment prior to the consideration, review, and approval or denial of any Lot Split, Lot Combination, or Lot Line Adjustment application.

Corner lots should have such extra width and area as may be necessary to satisfy appropriate Owasso Zoning Code setback requirements from both streets while ensuring that adequate buildable space remains.

7.4.2 Access and Streets. A Lot Split, Lot Combination, or Lot Line Adjustment may not involve the creation of a lot that does not have access to an existing, dedicated street. If the Parent Tract from which new lots are to be derived is controlled by Limits of No Access (LNA), no new lot shall be approved that is effectively cut off from access to the existing street. In order to abide by such a regulation, the applicant may need to apply for a Change of Access, which must be approved by the Planning Commission and then filed of record. A denial of access change constitutes a denial of the requested Lot Split, Lot Combination, or Lot Line Adjustment.

The splitting of land shall provide each lot with access, as dictated by the most current Owasso Zoning Code for the relevant Zoning District, to a public street or highway, so that the access of the lot owner or user is assured, as well as the layout of utilities, garbage and waste removal, fire protection, and public health and safety thereby adequately assured.

7.4.3 Sewage Disposal. Where a tract to be split, combined, and/or altered abuts a public sanitary sewer, no split, combination, or lot line adjustment should create a lot which is cut off from said sewer.

7.4.4 Water Service Where a tract to be split, combined, and/or altered abuts a public water main, no split, combination, or lot line adjustment should create a lot which is cut off from a water main.

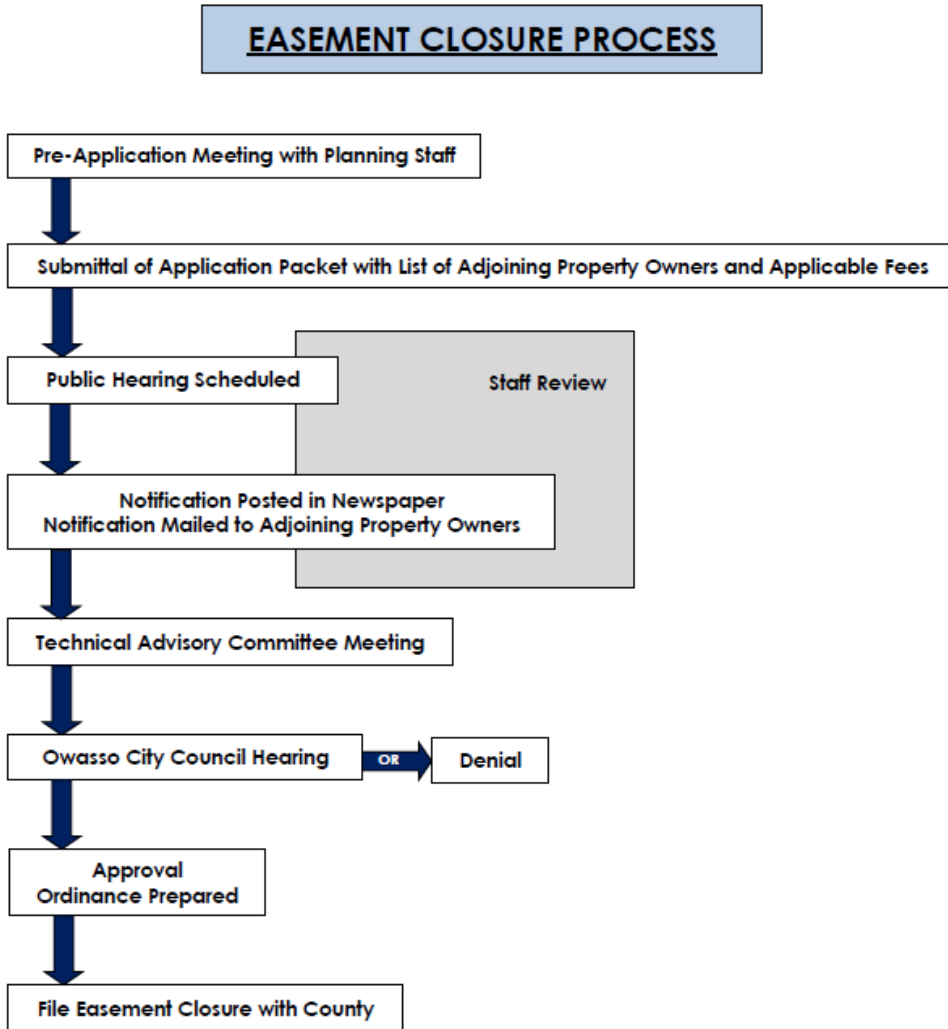
7.4.4 Certificate of Approval. Approval shall be shown by certificate on the instrument of transfer as required by State Statute. The certification shall be signed by the Community Development Department Director, or their designee. The Subdivider will then file the instrument with the County Clerk, the approval being an official document that will be contained in the abstract of the property being split, combined, and/or altered.

CHAPTER 8 – EASEMENT AND RIGHTS-OF-WAY CLOSURE

- 8.1** **Intentions.** All requests for the closing of any public way or easement within the City limits of Owasso shall be submitted, with the appropriate documentation as outlined in this Chapter, to the Community Development Department.
- 8.2** **Application Procedure.** The Subdivider shall submit the relevant Easement or Public Way Closing Application to the Administrator, pay the Application Fee in an amount as provided by Ordinance, and shall submit exhibits that accompany the proposal in accordance with the specifications in the following subsections of these Regulations.
- 8.2.1** **Copies.** Unless instructed otherwise by the Administrator, one (1) PDF digital copy of each required exhibit must accompany the application.
- 8.2.2** **Specifications.** The applicant must provide the following exhibits for each easement and/or Right-of-Way parcel to be closed:
- A detailed property survey of the parcel that contains the easement and/or Right-of-Way. This survey should be prepared by a registered land surveyor.
 - A legal description of each easement and/or Right-of-Way parcel to be closed.
 - A certificate or certificates of closure, stating that each legal description provided does indeed close.
 - A copy of the existing recorded instrument for current easement or public way to be closed
- 8.3** **Approval Procedure.** Prior to the closing of a public way or easement, a public hearing shall be conducted by the City Council. Written notice of any proposed closing of public way or easement shall be provided to any holder of a franchise or other entity determined to have special rights or privileges granted by the legislative body. Notice shall also be sent to property owners abutting the subject right-of-way or easement to be closed or abutting the subject property on which the closing is proposed. The required notice shall be given at least thirty (30) days prior to the public hearing. The closing of any public way or easement shall only be allowed through an ordinance passed by the City Council.
- 8.4** **Right to Reopen.** The City of Owasso shall retain the right to reopen any public way or easement without expense to the City. The public way or easement may be reopened by ordinance when:
1. The City of Owasso City Council deems it necessary; or
 2. An application of the property owners owning more than one half in area of the property abutting the public way or easement to be closed is filed with the City of Owasso Community Development Department and is subsequently reviewed by the City Council.

It is also suggested that applicants vacate the public way or easement by proceeding through district court. A public way or easement can only be vacated after the City Council approves the closing ordinance and the ordinance is taken to the court. Vacating the public way or easement forecloses on the City's right to reopen the public way or easement. No permit may be issued for any development in the easement or right-of-way of an area unless the easement or right-of-way has been closed and vacated.

Figure 9. Easement and Rights-of-Way Closure Flowchart



CHAPTER 9 – BUILDING PERMITS

9.1 **Intentions.** Building permits shall be issuable after completion of the following items:

- a. Final Plat Recorded. The Final Plat shall have been approved by the City Council, certified, recorded with the appropriate county clerk, and certified originals returned to the City Planner as provided herein.
- b. City Engineer Approval. The City Engineer shall have approved the construction plans for water, sanitary sewer, storm sewer, and streets.
- c. Environmental Quality Department Approval. The Oklahoma Department of Environmental Quality shall have issued certification numbers for the water and sanitary sewer plans.
- d. Water and Sanitary Sewer. The water and sanitary sewer utilities shall have been constructed per approval plans, inspected by the City Engineer and accepted for maintenance by the City Council or another political subdivision having jurisdiction over said utilities. Further, the Subdivider shall have delivered a one (1) year maintenance bond to the Public Works Director as required herein. Upon acceptance of water and sanitary sewer utilities, a number of lots as determined by the adopted Engineering Design Criteria in a residential subdivision may be made eligible for building permits.
- e. Streets and Storm Sewer. Construction plans shall have been approved by the City Engineer and either:
 1. The street and storm sewer improvements have been accepted for maintenance by the City Council and a two (2) year maintenance bond delivered to the Public Works Director; or
 2. The Subdivider has delivered to the Public Works Director a two (2) year performance bond or other surety for these improvements.

CHAPTER 10 – DEFINITIONS AND USAGE

- 10.1** **Usage.** For the purpose of these Regulations, certain terms and words are to be used and interpreted as defined in this Chapter. Where terms are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.
- 10.1.1 **Tense, Plural, and Directives.** Words used in the present tense shall include the future tense, words in the singular number shall include the plural and words in the plural number shall include the singular, except where the natural construction of the writing indicates otherwise. The word "should" is directory and not mandatory. The word "shall" is mandatory and directory.
- 10.1.2 **Person, Herein, and Regulations.** A "person" includes an individual, corporation, partnership and an incorporated association of persons such as a club. The word "herein" means in these Regulations. The word "Regulations" means these Subdivision Regulations for the City of Owasso, Oklahoma.

10.2 **Words and Terms Defined.**

Abut (Abutting): To share a contiguous boundary with, as defined in accordance with relevant state law.

Administrator: Any person employed by the City of Owasso, or their designee, to fulfill any of the duties of the Planning Division of the Community Development Department.

Addressing Coordinator. Any person employed by the City of Owasso, or their designee, to fulfill any of the duties related to the assignment, maintenance, and distribution of official addresses and official street names within Owasso City Limits.

Addressing Committee. A review body consisting of a number of persons employed by the City of Owasso, or their designee(s), and any external entities determined necessary by the Addressing Coordinator, that assists in reviewing and approving proposed address(es) found within the City of Owasso.

Alley: A minor public or private right-of-way which gives a secondary means of access to the rear or side of a property that has primary access to some other street. Alleys may be used for public or private utilities, and public service, emergency or private vehicles.

Arterial Street: See **Street, Arterial** in this Section.

As-Built Construction Plans: Those subdivision construction plans of completed paving, drainage, water, sewer or other public improvements.

Block: A grouping of subdivided lots intended for urban purposes, bounded by streets or by a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines, waterways, or municipal boundaries.

Board of Adjustment: The Board of Adjustment of the City of Owasso established in accordance with state law by City Ordinance.

Bond: A type of security or collateral posted by the Subdivider and approved by the City Attorney which guarantees that all required improvements shall be maintained according to the approved plans and requirements of Owasso Design Criteria and these Subdivision Regulations.

Building: A structure which is permanently affixed to the land, has one or more floors and a roof, and is bounded by either another building with a common party wall, open air, or the lot lines of a lot.

Building Permit: A Permit required by the City of Owasso before any building construction is commenced.

Building Setback Line: The horizontal distance from the point of measurement, such as the centerline of an abutting street, the boundary line of an abutting zoning district, or the boundary line of an abutting tract of land, to the nearest building wall.

City: The City of Owasso, Oklahoma.

City Council: The governing and legislative body of the City of Owasso, Oklahoma.

City (Officer): The word "City" followed by the name of any officer means any officer or designee to such officer employed by the City of Owasso to fulfill any of the duties of the office named.

Construction Plan: The maps or drawings prepared by a registered professional engineer accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the Owasso Design Criteria and requirements of the City Engineer, Planning Commission and City Council as a condition of the approval of the plat.

County: The County of Tulsa, Oklahoma or the County of Rogers, Oklahoma.

County Clerk: The office of the clerk for Tulsa County, Oklahoma or Rogers County, Oklahoma.

Covenants: Agreements binding the owners of the lots of a subdivision as shown on the face of a recorded subdivision plat.

Dedicate: To set apart a portion of the area of a subdivision for a specific use or uses to the public or to a specific group.

Detention: The act of detaining stormwater as outlined in the Owasso Design Criteria.

Deed of Dedication: That portion of a plat that dedicates an area or areas of a subdivision for public use.

Design Criteria: Engineering standards used in the design and construction of subdivision improvements.

Developer: The owner of land proposed to be subdivided, or their designee.

Development: A tract of land which is subdivided or otherwise altered and provided with all necessary utilities and public improvements.

District Court: The District Court of Tulsa County, Oklahoma or Rogers County, Oklahoma.

Double Frontage: A situation in which a lot has access to two streets that do not intersect.

Easement: Authorization by a property owner for the use by another, and for a specific purpose, of any designated part of his property.

Flood Plain: The area of land adjoining the channel of a river, stream or other similar body of water which may be inundated by a flood that can be reasonably expected to occur. The flood plain includes all lands within the limits of the 100-year flood plain as defined by the Federal Emergency Management Agency and all lands within the limits of all City-jurisdictional flood areas

Frontage: That side of a lot abutting on a street or way to which access is available for the lot.

Health Department: The Tulsa County, Oklahoma or Rogers County, Oklahoma agency empowered by the Oklahoma State Department of Health to enforce health laws.

Improvements: Grading, streets, sidewalks, crosswalks, culverts, bridges, water lines, sanitary sewer lines, force mains and lift stations, storm sewer lines, other utilities, and other features required to support a development.

Improvements, Off-Site: A utility, structure, or modification of topography located outside the property to be subdivided.

Improvements, Public: Any street, sidewalk, utility line, drainage way or other facility for which the City may ultimately assume the responsibility for the maintenance and operation of.

Improvements, Required: Any improvement required by the Planning Commission and/or City Council as a condition of approval of a subdivision plat.

Local Street: See **Street, Minor (Local)** in this section.

Lot: A tract, plot or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.

Lot Area: The total area measured on a horizontal plane, included within the lot boundaries.

Lot Depth: The mean horizontal distance between the front and rear lot lines.

Lot Combination: A Lot Combination involves the amalgamation of existing abutting lots, in order to create a single lot that is larger in size than the original lots.

Lot Line Adjustment: A Lot Line Adjustment involves the altering of the boundary between, or the reconfiguration of the shape of, existing abutting lots.

Lot Split: A Lot Split is a minor subdivision of previously platted or unplatted land.

Mayor: The Chief elected official of the City of Owasso, Oklahoma.

Open Space, Public: Land which may be dedicated to or reserved for acquisition for general use by the public, including parks, recreation areas, school sites, community and public building sites, and other similar lands. This specifically does not include floodway drainage courses, public lakes and ponds or any area within the fully urbanized flood plain, but may include other areas in the 100-year full urbanized flood plain.

Off-Site Improvements: See **Improvements, Off-Site** in this section.

Owner: A person or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these Regulations.

Parent Tract: The parcel of land from which a new lot or tract is derived from.

Planned Unit Development (PUD): A discretionary type of development for a tract of land under single ownership or control, based upon an approved development plan permitting flexibility of principal land uses, lot sizes and accessory uses not otherwise available under conventional development standards.

Planning Commission: The Owasso Planning Commission as established in accordance with state law by City Ordinance.

Plat: A graphical representation of a subdivision showing the division of the land into lots, blocks, street(s), dedications, and/or other divisions.

Plat, Final: The final graphical representation of a subdivision and any accompanying material, as described in these Regulations, based on a Preliminary Plat with revisions, if any, to be submitted to the Planning Commission and City Council for approval, denial, or approval with conditions.

Plat, Preliminary: The drawing or drawings described in these Regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission for approval.

Pre-Application Conference: A meeting between the Subdivider and the Administrator to discuss the procedure for approval of a subdivision plat, provisions of the Zoning Code, requirements as to general layout of streets, reservations of land, street improvements, drainage, sewerage, fire protection, availability of existing services and utilities and/or similar matters.

Pre-Construction Conference: A meeting among the developer, the Subdivider or designee, contractors and the relevant City Staff prior to improvements construction.

Registered Engineer: An engineer properly registered and licensed in the State of Oklahoma.

Registered Land Surveyor: A land surveyor properly registered and licensed in the State of Oklahoma.

Resulting Tract: A parcel of land that is created as an end product of a lot split, lot combination and/or lot line adjustment.

Reverse Frontage: That side of a lot abutting on a street or way which no access is available for the lot. See **Frontage** and **Double Frontage** in this section.

Right-of-Way: A parcel of land, usually a strip, occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water line, sanitary or storm sewer facility, or for any other public use. The use of the term right-of-way for land platting purposes in connection with these Regulations shall mean that every right-of-way hereafter established and shown on a Final Plat is to be separate and distinct from the lots and parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for any use involving maintenance by a public agency shall be dedicated to public use by the owner of the land which is being subdivided.

Separate Instrument: A document that dedicates land and/or easements, or accomplishes some other task(s), and is filed of record separately from the original subdivision plat documents.

Setback: The distance between a building and the nearest street right-of-way line or property line. Also see **Building Setback Line** in this section.

State: The State of Oklahoma.

Street: A public or private right-of-way which affords the primary means of access to abutting property or serves as a thoroughfare for vehicular traffic, or both, but excluding alleys.

Street, Arterial: A thoroughfare which carries a significant portion of the interurban vehicle traffic at moderate speeds with some traffic stops.

Street, Collector: A street intended to move traffic from minor to arterial streets, including the principal entrance and circulation street or streets of a development.

Street, Cul-De-Sac: A minor street with only one outlet and having a terminal for the safe and convenient reversal of traffic movement including all emergency and service vehicles.

Street, Major: Highways, arterial and collector streets.

Street, Minor (Local): A trafficway of limited length that is not classified as a Major Street or highway, providing direct access to abutting tracts of land and access to more heavily traveled streets.

Street, Service Road: A minor street which is parallel and adjacent to major streets, trafficways, highways or railroad rights-of-way and which provides access to abutting properties and protection from through traffic.

Subdivider: A person undertaking the subdivision or re-subdivision of a lot, tract or parcel of land into two or more lots, or other subdivision of land for the purpose of transfer of ownership or development, whether immediate or future, including all changes in lot lines.

Subdivision: Any division of land into four (4) or more lots, tracts or parcels for the purpose of transfer of ownership or development, whether immediate or future, or any re-subdivision of land. See also **Plat** in this section.

Technical Advisory Committee (TAC): A committee composed of public officials, City staff, and utility company representatives to review and study all plats and minor subdivision proposals and make recommendations concerning those subdivisions to the Planning Commission.

Zoning Code: The adopted City Ordinance regulating land use in the City.