

**CITY OF COWETA
SUBDIVISION REGULATIONS**

**CHAPTER I
GENERAL PROVISIONS**

1.1 TITLE AND CODIFICATIONS:

These regulations and all amendments thereto, shall be known and may be cited as the Subdivision Regulations of the City of Coweta, Oklahoma, and shall be separately codified by the City.

1.2 PURPOSE AND INTENTIONS:

1.2.1 Purpose:

The arrangement of parcels of land in Coweta 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. Such amenities are a public concern. These Regulations and standards for the subdivision of land are intended to insure the development and maintenance of a safe, healthy, attractive and efficient community and provide for the conservation of its human and physical resources.

1.2.2 Intentions:

These Regulations are adopted for the following purposes:

- A.** To provide for the physical development of the City of Coweta in accordance with the Comprehensive Land Use Plan and the Major Street and Highway Plan, Engineering Standards, Stormwater Design Criteria;
- B.** To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the City of Coweta, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines;
- C.** To secure and provide for the proper arrangement of streets or other highways in relation to the existing or planned streets or highways or to the Comprehensive Land Use Plan or plans of the area; for adequate and convenient open spaces for traffic, utilities, access of fire fighting apparatus, parking lots, parks, playgrounds, light and air; and for the avoidance of congestion of populations;
- D.** To establish a subdivision process that is expeditious and as efficient as possible while providing for public health, safety and general welfare.

- E. To provide for neighborhood conservation and prevent the development of slums and blight.
- F. To harmoniously relate development of the various tracts of land to the existing community and facilitate the future development of adjoining tracts.
- G. To 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, and that cost of improvements which primarily benefit the whole community be borne by the whole community.
- H. To provide the best possible design for the tract.
- I. To ensure proper legal descriptions, monumenting of land, adequate and accurate platting records of subdivided land.
- J. To ensure that public facilities and utilities are available and that they will have sufficient capacity to service the proposed subdivision and for the general community.

1.3 AUTHORITY:

These Regulations for land Subdivisions are adopted under the authority granted by Oklahoma State Statutes.

1.4 JURISDICTION:

These Regulations shall apply to all subdivision of land located within the corporate limits of the City of Coweta, Oklahoma.

1.5 SCOPE:

These subdivision regulations shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the 4th day of April 2011. Provided that if such land is re-platted, the re-plat will comply with this regulation. Nor is it intended by these regulation to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances except those specifically repealed, or with private restriction placed upon property by deed, covenants, or other private agreement, or with restrictive covenants running with the land to which the City is a party. Where this regulation poses a greater restriction than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this regulation shall control.

1.6 SUBDIVISION PLAT REQUIREMENT WHEN REZONING AND WAIVER:

For any land which has been rezoned upon application of a private party, no 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 City Council, upon a showing that the purposes of these regulations have already been achieved by previous platting, or could not be achieved by a plat or replat, may waive the subdivision plat requirement.

1.7 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 consent of all of the owners 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.

1.8 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, except as otherwise indicated such requirements of design but not of procedure or improvements so that the subdivider may develop his property in a 'reasonable manner but so that at the same time, the public welfare and interests of the City are protected and the general intent and spirit of these regulations are preserved. Such modification may be granted upon written request of the subdivider stating the reason for each modification may be waived by three-fourths (3/4) vote of the quorum of the Planning Commission, subject to the acceptance of the plat and the dedications thereon by the City Council. A variance of the Zoning Code must be granted by the Coweta Board of Adjustment.

1.9 AMENDMENTS OF THESE REGULATIONS:

For the purpose of providing the public health, safety and general welfare, the City Council may from time to time amend the provisions imposed by these Subdivision Regulations. Public hearings on all proposed amendments shall be held by the City Council in the manner prescribed by law.

1.10 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.

1.11 PENALTY:

Any person or persons, firm, or corporation who violates any of these Regulations or fails to comply therewith or with any of these requirements thereof shall be deemed guilty of an offense and be liable for a fine as provided by City Ordinance. Each day such violation is permitted to exist shall constitute a separate offense. In addition to the other remedies provided herein, the City may institute any proper act on or proceedings to enforce these Regulations.

1.12 TECHNICAL ADVISORY COMMITTEE ON PLATS - CREATED, AND COMPOSITION:

There is hereby created a Technical Advisory Committee on plats, the membership of which is composed of but not limited to, a representative of each of the following agencies and companies and such other public officials as the City Manager may designate:

- A. The City Manager
- B. The City Engineer
- C. The City Fire Chief
- D. The Director of Public Works
- E. The Wagoner County Health Department
- F. The natural gas company
- G. The electric company
- H. The telephone company
- I. The cable television company

1.13 TECHNICAL ADVISORY COMMITTEE ON PLATS – DUTIES:

It shall be the responsibility of the Technical Advisory Committee to meet together on the call of the City Planner, who shall serve as chairman, to review and study all sketch-plats, preliminary plats, and final plats and to submit its findings and recommendations to the Planning Commission.

1.14 APPLICATION OF THIS REGULATION:

Except as provided in this regulation, no person shall subdivide any tract of land, which is located within the City nor shall any person create a minor subdivision for any tract of which is located within the City, except in conformity with the provisions of this regulation.

1.15 ENFORCEMENT:

1.15.1 Recording of the Plat:

No plat of any subdivision shall be entitled to be recorded in the County Clerk's office or to otherwise to have any validity until it shall have been approved in the manner prescribed herein. In the event any such unapproved plat is recorded, it shall be considered invalid, and the City Council may institute legal proceedings to have the plat stricken from the records.

1.15.2 Sale of land in Subdivision:

No owner or agent of the owner of any land located within any actual or proposed subdivision shall offer, transfer, sell, agree to sell any land by reference to, exhibit of, by the use of a plan or plat of a subdivision before such plan or plat has been approved and recorded in the manner prescribed herein; unless such agreement to sell is expressly made contingent upon the proper filing of the plat in question in advance of closing. Any sale or transfer contrary to the provisions of this section is void. The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or

transferring shall not exempt the transaction from the provisions of this regulation.

1.15.3 Construction of Improvements:

A. Upon approval of the Preliminary Plat by the Planning Commission, the subdivider of any land located within the City can proceed with the submission of all documents and fees for compliance with the PFPI, Stormwater Design Criteria, Earth Change and all other pertinent ordinances necessary for obtaining construction permits. Upon city staff approval of an Earth Change Permit and/or Building Permit, the subdivider may proceed with any construction work on such proposed subdivision.

1. Permits can be issued based upon individual scopes of work for each improvement (i.e. complete sanitary sewers, water distribution system, storm sewers, earthwork and detention facility) however the final plat cannot be filed of record until the final plat has been submitted and approval by the City Council and:

- a. all improvements are complete and accepted or approved by the City Council and/or;
- b. security has been provided and approved by the City staff for all of the improvements.

2. If the subdivider wishes to file the final plat prior to the completion and acceptance or approval of all construction improvements the final plat must have been approved by the City Council; and the security for all improvements must be submitted and approved by the City staff.

B. The Building Official shall not issue building permits for any structure on a lot in a subdivision for which a final plat has not been approved and recorded in the manner prescribed herein, and for which all proposed public improvements have not been accepted by the City Council.

C. The city staff shall not sell or authorize to be installed any taps to public water or sewer systems on any lot of a subdivision for which a plat has not been approved and recorded in the manner prescribed herein, and for which all improvements have not been constructed. Provided that all public improvements must be constructed dedicated, and accepted by the City prior to the sale or authorization.

1.15.4 Public Services:

The City will withhold all public services of whatsoever nature other than police and fire protection, but including the maintenance of streets and the furnishing of water or sewer facilities from all subdivisions which have not been approved, and from all areas dedicated to the public which have not been accepted in the manner prescribed herein. It is further the policy of the City to require the owner to

comply with the general principles of design and requirements for subdivisions as set forth herein.

1.15.5 Revision of Plat after approval:

No changes, erasures, modifications or revisions shall be made in any plat of a subdivision after approval has been given by the City Council, and endorsed in writing on the plat, unless said plat is first resubmitted to the Planning Commission and to the City Council and receives approval for the changes.

1.16 HEADINGS:

Headings are provided for reference purposes and are not to be used as interpretive guides.

1.17 MINIMUM STANDARDS DESIGN CRITERIA:

In enacting various provisions of the Coweta Subdivision Regulations, and in promulgating any rules or regulations which may be made necessary in order to carry out the purpose of this regulation, the City of Coweta sets forth certain minimum standards for construction which may not be violated in the construction of any public improvements. By setting forth these minimum design standards, neither the City as an entity nor any of its staff makes any representations, warranties or assurances that these minimum designs are sufficient. Any subdivider within the City Limits of Coweta must rely upon his own design professionals to design facilities, whether Public or private, which are capable of providing services required of such public or private facilities: and which are adequate under all reasonably foreseeable circumstances for the purposes intended. When the City staff examines proposals or construction plans for conformity with these regulations, such review by City staff is to determine whether or not the minimum standards will be met. The approval of these plans does not represent, warrant, or assure any person that the designs are adequate for the purposes intended. Neither the enactment of this regulation nor review of improvements to be constructed or proposed under this regulation shall in any manner create liability for the City of Coweta, to the subdivider, nor to any person affected by the activities of such subdivider.