

CHAPTER VI USAGE AND DEFINITIONS

6.1 **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.

6.1.1 **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.

6.1.2 **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 Coweta, Oklahoma.

6.2 **DEFINITIONS:**

For the purpose of this section, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future. Words in the plural number include the singular, and words in the singular number will include plural. The word "shall" is always mandatory; the word "may" is always directory.

Acceptance by the City: Acceptance by the City shall mean acceptance by the City Council in a public meeting.

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.

All Weather Material: A hard surface, dust-free material capable, during ordinary use, of withstanding without substantial deterioration, and normal weather conditions. Gravel, rock, or screenings done without the use of a petroleum or cement binder does not meet the definition of an all-weather dust free material.

As-built construction plan: Those subdivision construction plans of completed paving, drainage, water, sewer or other public improvements.

Block: A parcel of land 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 Coweta established in accordance with state law by city ordinance.

Bond: Any form of security for surety of performance or maintenance including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the City Council.

Buffer: An area of land or open area used to provide a physical separation between, and enhance the compatibility of, different types of land use. Such areas may be devoted to landscaping and fencing.

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

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

Building Line Or Setback Line: A line or lines designating the area outside of which buildings may not be erected. The horizontal distance, from the point measured, from the right-of-way of an abutting street or the boundary line of an abutting zoning district nearest to the building wall.

City: The City of Coweta, Oklahoma.

City Clerk: The office of the clerk for the City of Coweta.

City Council: The governing and approval body for the City of Coweta consisting of a Five (5) member council, which shall consist of one Council member elected from each of the five (5) wards of the City in which resides all powers provided by the City Charter subject to the state constitution and state law.

City Engineer: The office of the engineer of the City of Coweta.

City Manager: The chief executive officer of the City of Coweta, Oklahoma.

City Planner: The office of the City Planner of the City of Coweta.

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

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

Comprehensive Land Use Plan: A general development plan based upon the present and the projected future needs of the city as currently adopted or as may be hereafter adopted by the City Council. The Comprehensive Land Use Plan may also be referred to as the Master Plan or the Plan, and constitutes a plan which indicates the general locations recommended for the various functional classes of works, places, and structures, and for the general physical development of the City of Coweta; such designation includes the entire body of such documents, or any unit or part thereof as may be separately adopted including amendments to such plan or parts thereof.

Construction: Any activity at the proposed subdivision which includes, but not limited to, earthwork, digging, trenching, backfilling, clearing and grubbing, street work, and/or utility installation.

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 requirements of the City Engineer, Planning Commission and City Council as a condition of the approval of the plat.

Contractor: A person, firm or corporation having entered into a contractual agreement with the City, engaged in any aspect of the construction of improvements, including but not limited to street paving.

County: The County of Wagoner, Oklahoma.

County Clerk: The office of the clerk for Wagoner County, Oklahoma.

County Health Department: The Health Department for Wagoner, Oklahoma.

Cul-de-sac Street: 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.

Dedication: To set apart an portion of the area of a subdivision to a specific use(s) or to the public or to a specific group.

Deed of Dedication: That portion of a plat that dedicates an area of a subdivision.

Design Criteria and Technical Specifications: Engineering standards used in the design of subdivision improvements

Developer: The owner of land proposed to be subdivided or his representative.

Development: A tract of land which is subdivided for urban use and provided with all necessary utilities and public improvements.

District Court: The District Court of Wagoner County, Oklahoma.

Double Frontage: A situation in which a lot has access on two streets so they 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.

Engineer: A registered, professional engineer in good standing with the State of Oklahoma Board of Registration for Professional Engineers and Land Surveyors.

Engineering Design Standards: The standard drawings and written technical requirements concerning public improvements as adopted by separate ordinance by the City of Coweta.

Final Plat: The final map or record 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.

Flood Plan: That area which has been determined by the best available information to be susceptible to the threat of flooding to the level of probability of one percent (1%) in any given year. This term is also known as the one hundred year flood plain area. Flood Plain areas shall be those as described and delineated on maps maintained by the Federal Emergency Management Agency.

Floodway: The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Flood Hazard Area: The area which is subject to inundation by the regulatory flood. This includes areas of shallow flooding, which occurs where a clearly defined channel does not exist, and where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. This also includes man-made sumps in the streets as well as areas, which although not presently in a flood area, may be flooded in the future by increased runoff due to urbanization. The flood hazard also exists in diminishing degree with increasing elevation on higher adjacent lands. The flood hazard area shall be determined from the Flood Insurance Rate Map as provided by the Federal Emergency Agency.

Flood Prone Area: That area which has been determined by the best available information to be susceptible to the threat of flooding to the level of probability of one percent (1%) in any given year under ultimate urbanization and conditions in the watershed. This term is also known as the one hundred year flood plain area.

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

Grade: The slope of a drainage facility, sanitary sewer, street or other public way specified in percent (%) of vertical to horizontal measurement.

Highways: See Streets and Alleys.

Improvements: Street pavements, with curbs and sidewalks, pedestrian ways, water mains, sanitary and storm sewers, permanent street monuments, and other appropriate items.

Limits Of No Access: Areas as defined by the City on the plat in which no access is allowed.

Local Street: See Street, Local or Minor

Lot: A parcel or portion of land in a subdivision or plat of land, separated by other parcels or portions by description as on a subdivision plat or record of survey map or by metes and bounds, for the purpose of sale or lease to or separate use of another.

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

Lot, Corner: A lot which has at least two (2) adjacent sides abutting for their full lengths on a street; provided, that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees.

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

Lot, Double Frontage: A lot having frontage on two (2) nonintersecting streets, as distinguished from a corner lot. This shall be the same as a backing lot.

Lot, Reverse Frontage: A double frontage lot, which is to be developed with the rear yard abutting a major street and with the primary means of ingress and egress provided on a minor or collector street.

Master Plan: The Comprehensive Plan for the City of Coweta, Oklahoma.

Minor subdivision: A minor subdivision containing not more than three (3) lots fronting on an existing street, not involving any new street, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Major Street and Highway Plan, Zoning ordinance (unless approved by the Board of Adjustment) or these Regulations.

Major Street and Highway Plan: The map established by the City Council by ordinance showing area major streets and highways, their required rights-of-way and any amendments or additions adopted by the City Council.

Major Subdivision: A subdivision of land into 5 or more lots

Mayor: The chief elected official of the City of Coweta

Monument: Permanent markers properly located as required in these regulations for the location and identification on the land of reference points in the subdivision, such as, but not limited to, the corners of the subdivision, corners of blocks and radii for street curvature.

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

Official Map: The map established by the City Council showing the streets and highways heretofore laid out, adopted and established by law and any amendments or additions thereto adopted by the City Council resulting from the approval of subdivision plats and the subsequent filing of such plats.

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

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

Parking, Off-Street: An area, enclosed or unenclosed, together with a driveway permitting ingress and egress of an automobile of standard size to a street or alley, affording access thereto.

Permit to Construct: A permit required by the City of Coweta before any subdivision improvement construction is commenced.

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 Coweta Planning Commission established in accordance with state law by city ordinance.

Preliminary Plat: 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-platting Conference: A meeting between the subdivider and the City Planner 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 similar matters.

Preliminary Engineering Plans: Preliminary drawings (plan view) illustrating the locations of water distribution system, wastewater system, stormwater system, streets and other proposed improvements

Privately Financed Public Improvements (PFPI): Shall mean the construction, reconstruction, replacement or alteration of any street, alley, curb, gutter, ditch, drainage way, channel, detention facility, storm sewer or other similar public works thereto, including sedimentation and erosion control measures, street and sidewalk cuts, sanitary sewers and water mains, located or to be located upon land owned in fee simple by the City of Coweta or upon easements or right-of-ways owned or controlled by or to be dedicated to the City of Coweta.

Primary Arterial Street: A thoroughfare designated on the Major Street and Highway Plan that carries a portion of both intraurban and interurban vehicle traffic at a moderate rate of speed with some traffic stops and having a planned right-of-way width of at least 120 feet.

Public Improvement: Any street, sidewalk, utility line, drainage way or other facility for which the city may ultimately assume the responsibility for maintenance and operation. Also see Improvement in this section.

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.

Required Improvement: Any improvement required by the Planning Commission and City Council as a condition of approval of a subdivision plat. Also see Improvement this section.

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

Resubdivision: Subdivision of land previously subdivided.

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 other special 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.

Roadway: That portion of any street so designated for vehicular traffic; and, where curbs are normally placed, means that portion of the street between the curbs.

Secondary Arterial Street: A thoroughfare designated on the Major Street and Highway Plan that carries a significant portion of the interurban vehicular traffic having traffic stops and a planned right-of-way width of 100 feet.

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

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

Setback: The distance between a building and the nearest street right-of-way line or property line. (See Building Setback Line)

Sight Triangle: On a corner lot, a triangle formed by measuring 25 feet along the front and side curb or pavement edge and connecting the points to form a triangle on the area of the lot adjacent to the street intersection.

At all intersections of alleys, driveways, and streets, a site triangle is formed by measuring ten (10) feet along the curb or pavement edge.

Sketch Plat: A sketch of a subdivision prepared as the first step in the subdivision process to enable the subdivider to illustrate the nature of the proposed subdivision and save time and expense in reaching general agreement with the Planning Commission as to the form of the plat and the objectives of these regulations and other city ordinances and plans.

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.

Stop Work Order: A written order to the contractor or to the owner to stop work, and stating therein the nature of the reason for the issuance of such an order. Such orders may only be signed by the Building Official or the City Manager or designate.

Stormwater Drainage Criteria: All stormwater drainage improvements, facilities, structures, and/or conveyance systems, both private and public, shall be designed in accordance with the Stormwater Drainage Criteria adopted by separate ordinance by the City of Coweta.

Subdivider: A person undertaking the subdivision or resubdivision 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, or any resubdivision of land.

Subdivision:

1. The division of a parcel of land shown as a unit or contiguous units on the last preceding tax roll into four (4) or more lots or parcels for the purpose of transfer of ownership or building development;

2. If a new public street is involved, any division of a parcel of land; or,
3. The improvement of one or more parcels of land for residential, commercial, office, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any street or streets (except internal private streets); the division or allocation of land as open spaces for common use by owners, occupiers or lease holders, or as easements for the extension and maintenance of public utilities or facilities;
4. Provided that a division of land which may be ordered or approved by a court or effected by testamentary or interstate provisions, or a division of land for agricultural purposes into lots or parcels, or the exchange of parcels of land between owners of adjacent property to resolve common boundary disputes, where new lots are not thereby created and where neither of the lots resulting are reduced below the minimum size of a lot required by law shall not be deemed a subdivision. The term includes re-subdivision, and when appropriate in context, shall relate to the process of subdividing land or to the land so subdivided.

Surveyor: A registered land surveyor in good Standing with the State of Oklahoma Board of Registration for Professional Engineers and Land Surveyors.

Technical Advisory Committee (T.A.C.): A committee composed of public officials 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: A city ordinance regulating land use in the city.