LAND SUBDIVISION CODE

CITY OF BROKEN ARROW OKLAHOMA

Approved by the Planning Commission July 22, 2010
Ordinance No. 3121 adopted by the City Council on September 7, 2010
Amended 8-16-11, Ord No. 3169
Amended 12-18-12, Ordinance No. 3219
Amended 03-17-2015. Ordnance No. 3335

Updated July 25, 2017

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ORDINANCE NO. 3121

THE LAND SUBDIVISION CODE

BROKEN ARROW, OKLAHOMA

This is the first publication of the Land Subdivision Code as adopted by Ordinance No. 3121. The Development Services Department, in collaboration with the Engineering Department, prepared this Land Subdivision Code. This Code is organized along the lines of general principles, in the approximate order a developer would need to proceed with a project. Every effort has been made to produce an orderly, clearly defined set of regulations.

WHEREAS, the State of Oklahoma has granted cities, as governmental entities, the duty and power to enact subdivision ordinances for the protection of persons and property residing within the City limits, and for securing the benefits of orderly development as a whole; and

WHEREAS, a series of governmental administrative hearings have been conducted at which time it was determined that the previous Land Subdivision Ordinance No. 1309 should be amended as provided in the attached Ordinance No. 3121; therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROKEN ARROW.

SECTION 1.

That the Subdivision Ordinance of the City of Broken Arrow, Oklahoma, shall hereby read as follows:

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ARTICLE 1. GENERAL PROVISIONS

1.1 TITLE AND CODIFICATION

This ordinance and all amendments thereto shall be known and may be cited as the "Broken Arrow Land Subdivision Code", and shall be separately codified by the Legal Department. (See generally 11 O.S. 41-101 et seq. and 45-101 et seq.) (Adopted by Ordinance No. 1309, 1-7-85)

This is the seventh publication of the Land Subdivision Code as adopted in Ordinances No. 1309, 1337, 1419, 1422, 1432, 1627, 1738, 1759, 1771, 1800, 1839, 1893, 1894, 1993, 2008, 2280, 2400, 2549, 2618, 2677 and 3105. .

1.2 INTERPRETATION OF PURPOSE

In their interpretation and application of the provisions of this code, all administrative boards and agencies, legislative bodies, and judicial bodies are advised that the Council has determined that the urban real estate market requires the ready availability of parcels of land of a wide variety of size and shape, which can be conveyed easily. The market further requires these parcels of land to have available a number of utilities, ready access to public facilities and public improvements, and to be generally suitable for immediate occupancy by buildings and structures of various kinds. In pursuit of these market objectives, the subdivider through various legal processes is actively involved in the building and rebuilding of cities generally and the City of Broken Arrow in particular, as every tract of land laid out thereafter becomes a permanent feature in the community. As such, the public at large is entitled to consideration in this process due to the fact that the public at large is ordinarily required to furnish a number of basic services and facilities without which the new urban addition would be of little value. Furthermore, the public must live with the off-site consequences of the subdivision process and is frequently called upon to maintain or expand improvements at taxpayer expense which were originally built by the subdivider and which deteriorate or prove to be inadequate after the subdivider has disposed of his total interest in the property. In fact, the public as a community is responsible for the economic and social climate and conditions making the subdivision of land desirable and profitable. The Council therefore concludes that it is necessary for land subdividers to be held to certain minimum requirements adopted for the protection of the public health, safety and welfare. Such protections are also intended to provide for a permanently wholesome community environment which has adequate municipal services and safe public facilities which meet the physical and aesthetic needs of the citizens.

1.3 SCOPE

This subdivision code shall not apply to any lot or lots forming a part of a subdivision approved by the City of Broken Arrow and recorded prior to the effective date of this ordinance, provided that if such land is replatted after the effective date of this ordinance, the replat will comply with this code to the extent that the level of development (as of the effective date of this ordinance) on such previously existing plats permits. Nor is it intended by this code to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances (except those specifically repealed by this ordinance), or with private restrictions placed upon property by deed, covenant, or other private agreement, or with restrictive covenants running with the land to which the City is a party. Where this ordinance poses a greater restriction than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of these ordinances shall control. (See 11 0.S. 41-110)

1.4 ADMINISTRATION

In accordance with 11 0.S. 45-104, the provisions of this ordinance shall be administered by the Planning Commission acting in lieu of the governing body. (See 11 0.S. 45-104)

1.5 DEFINITIONS

For the purpose of this section, the following terms, phrases, words and their derivations shall have the meaning given herein. When not consistent 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 include the plural. The word "shall" is always mandatory; the word "may" is always directory.

a. *BOARD OF COUNTY COMMISSIONERS*. The Board of County Commissioners of the county in which the land in question is located.

b. *CEMETERIES*. All public or private cemeteries must be platted under this Code. However, once the original plat has been approved and filed of record, all subsequent replats of the interior of the cemetery are exempt from this Code, unless the proposed replat would require the addition or alteration of existing public easements or public facilities, or requires additional points of ingress and egress from public streets.

c. *CERTIFICATE OF OCCUPANCY*. A document issued by the City of Broken Arrow certifying a building's compliance with applicable building codes and other laws, and indicating it to be in a condition suitable for occupancy.

d. *CITY*. The City of Broken Arrow, Oklahoma.

e. *CITY (OFFICER*). The word "City" followed by the name of any officer means any officer or assistant to such officer employed by the City of Broken Arrow to fulfill any of the duties of the office named.

f. *CLOSE*. A legislative act of the City of Broken Arrow discontinuing the public use of a public right of way or easement without affecting title to such real property.

g. *CITY COUNCIL*. The Council of the City of Broken Arrow, Oklahoma.

h. *CONDITIONAL FINAL PLAT*. The plat proposed by the owner which has been submitted to the Technical Advisory Committee, Planning Commission and City Council, and received conditional approval, but which requires future performance by the owner before the receipt of final approval.

i. *COMPREHENSIVE PLAN*. A general development plan based upon the present and the projected future needs of the city as currently adopted or as may be hereinafter adopted by the City Council. The comprehensive plan may also be referred to as the master plan, and constitutes a plan which indicates the general locations recommended for the various functional classes of public works, places, and structures, and for the general physical development of the City of Broken Arrow; such a 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.

j. *CONTRACTOR*. A person, firm, or corporation engaged in any aspect of the construction of improvements, including but not limited to street paving, utilities, etc.

k. *COUNTY CLERK*. The Clerk of the county in which the land is located, unless the context indicates otherwise.

l. *CUL-DE-SAC*. A short street having one end open to traffic and being terminated at the other end by an open space designed to facilitate vehicular turn around.

m. *DEVELOPER*. The owner or agent of the owner of the land having the rights to subdivide and order the construction of improvements.

n. *DRIVEWAY ENTRANCES*. The ingress and egress for the property adjacent to a street, and being located between the street pavement and the street right of way line.

o. *EASEMENT*. A right in real property as established by the laws of the State of Oklahoma.

p. *ENCROACHMENT AGREEMENT*. An agreement through which a legally binding agreement has been signed by effected parties when an encroachment exists.

q. *ENGINEER*. A licensed, professional engineer in good standing in the State of Oklahoma. (See 59 0.S. 475.1 et seq.)

r. *FINAL PLAT*. The map, drawing, or chart on which an owner's plan of subdivision is presented to the Planning Commission and to the City Council for approval, and which, if approved, will be submitted to the County Clerk for recording.

s. *HIGHWAYS*. See Streets and Alleys.

t. *HEALTH DEPARTMENT*. As to land located within Tulsa County, the cooperative Health Department of the cities located within Tulsa County and of Tulsa County, Oklahoma; as to land located within Wagoner County, the Wagoner County Health Department.

u. *IMPROVEMENTS*. Grading, street surfacing, construction of curbs and gutters, sidewalks, crosswalks, culverts, bridges, water lines, sanitary sewer lines, force mains and lift stations, booster pump stations, storm sewer lines, detention facilities, other utilities, and other required features.

v. *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 or record of survey map or by metes and bounds, for the purpose of sale or lease to or separate use of another.

w. *LOT SPLIT*. Any division of land into two or more parcels through a metes and bounds description.

x. *LOW IMPACT DEVELOPMENT*. A land development strategy that attempts to replicate the original pre-development hydrology conditions as best possible to reduce negative stormwater quality and quantity impacts.

y. *MASTER PLAN*. The Comprehensive Plan.

z. *OFFICIAL MAP*. The map established by the City Council showing the streets, highways, and parks heretofore laid out, adopted and established by law and any amendments or additions thereto adopted by the Council resulting from the approval of subdivision plats and the subsequent filing of such approved plats.

aa. *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, stormwater detention facilities, floodplains, community and public building sites and other similar lands.

bb. *OWNER*. Any individual, firm, or corporation having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the land under this ordinance.

cc. *PLANNING COMMISSION*. The Planning Commission of the City of Broken Arrow, Oklahoma.

dd. *PLANS*. The general construction or engineering drawings of public improvements showing the layout and principal design features of a subdivision and/or proposed improvements.

ee. *PUBLIC RIGHT OF WAY*. A street, avenue, boulevard, alley, lane or thoroughfare established or open for public use. (**See illustrations for Example Figure for 1.5.ee**)

ff. *PRELIMINARY PLAT*. A drawing indicating the proposed layout of the subdivision to be submitted to the Planning Commission for its consideration. Such preliminary plat shall include designation of recreation areas, parks, playgrounds and other public open space and private open space, and showing all proposed lot lines, front building setbacks, and utility easements.

gg. *REGULATORY FLOOD AREA*. The area which is subject to inundation by the Regulatory Flood; that is, in lands having a one percent (1%) chance of occurring in any one (1) year based upon projected, ultimate urbanized conditions. The Regulatory Flood Area may contain FEMA Flood Insurance Rate Map Base Flood Areas and Broken Arrow Regulatory Flood Fringe Areas as shown on the Regulatory Floodplain Map, Broken Arrow.

hh. *ROUNDABOUT*. One of several types of circular road junctions or intersections at which traffic is showed down and enters a one-way stream around a central island.

ii. *SIGHT TRIANGLE*. An area of land located adjacent to the intersection of two (2) or more streets, which area of land is bounded by a line measured from the center of a connecting street and extended along the curb line of a corner lot for a distance of 75 feet, to an end point to form one boundary of the triangle; and bounded by a line measured from the center of the second connecting street and extended along the second curb line of the corner lot for a distance of 75 feet to an end point to form the second boundary of the triangle; and bounded by a straight line connecting the two (2) end points of the first two (2) boundaries. This triangle has been determined for regulatory purposes to be sufficient for the drivers of two (2) vehicles traveling at 25 miles per hour or less and approaching an uncontrolled intersection on separate, interconnecting, level and dry streets to view each other and take appropriate actions safely; this triangle has also been determined for regulatory purposes to be sufficient for pedestrian traffic which may be augmented by toys such as roller skates, skateboards, sleds, and similar devices.

jj. *STREETS AND ALLEYS*. A way for vehicular traffic, regardless of how designated. Where curbs are laid, the word "street" shall refer to that portion of the roadway between the curbs. Streets may be further designated as follows:

1) HIGHWAYS. A fast or heavy traffic street having limited access and used basically as a traffic artery for travel between Broken Arrow and other cities. Frontage roads associated with limited access highways are collector streets.

2) ARTERIAL STREET. A fast or heavy traffic street of considerable continuity and used basically as a traffic artery for travel among large areas of the city. Arterial streets may be further designated as primary or secondary arterial streets.

3) COLLECTOR STREET. A street which carries traffic from minor streets to arterial streets, including the principal entrance streets of residential development, and the streets for circulation within such a development.

4) MINOR STREET. A street used primarily for access to the abutting properties.

5) ALLEY. A passage or way affording generally a secondary means of vehicular access to abutting properties, and not intended for general traffic circulation.

kk. *STANDARD CONSTRUCTION SPECIFICATIONS.* The detailed working plans and written technical instructions concerning public improvements as adopted by the City of Broken Arrow.

ll. *STAFF*. The entire staff, made up of any member of any department under the direction of City Manager of the City of Broken Arrow, including any future successors thereto.

mm. *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 City Manager or his designee.

nn. *SUBDIVISION.* The legal process and procedure to subdivide land into smaller parcels.

oo. SURVEYOR. A licensed land surveyor in good standing in the State of Oklahoma. (See 59 0.S. 475.1 et seq.)

pp. *TECHNICAL ADVISORY COMMITTEE (TAC).* A committee composed of the city staff, public utilities, school district representatives, U.S. Postal Service, which review preliminary plats and proposals for the final plats.

The purpose of the committee is to review the various proposals to determine whether or not the technical elements of the construction plans and the subdivision plats meet or exceed the requirements in technical areas of the general public.

qq. VACATION OF PLAT Legally voiding a plat or portion of a plat.

rr. VACATION OF EASEMENT. The termination by a judicial act of the district court of private and/or public rights in a public way or easement.

ss. *ZONING ORDINANCE*. The Broken Arrow Zoning Ordinance and any amendments thereto.

1.6 UNDUE HARDSHIP

a. STANDARDS TO DETERMINE HARDSHIP. In any particular case where the owner can show in writing that by reason of exceptional topographic or other physical conditions, none of which are self-imposed, literal compliance with any requirement of this code would cause exceptional and undue hardship. The City Council may modify such requirement to the extent necessary so as to relieve such difficulty or hardship; provided that such relief may be granted only without resulting detriment to the public interest and without impairing the intent and purpose of this Code, the Comprehensive Plan and the Zoning Ordinance. Any modification that is granted may be granted by the City Council only after receiving written recommendations from the Planning Commission.

b. WRITTEN APPLICATION. Where unusual or exceptional factors or conditions exist, the City Council may modify any of the provisions of the Land Subdivision Code except those providing for the time of installation of improvements or requirement of improvement performance bonds and maintenance bonds. An owner applying for a modification shall set forth in writing the reasons for the requested modification and the extent of the modification requested. The Planning Commission shall review the petition for a hardship exception and shall make recommendations, including suggested modifications, to the Council. The Council shall thereafter hear the petition, review the Planning Commission recommendations and grant such relief as may be proper. If granted, such modification shall be added and attached to all copies of the construction plans or the final plat.

1.7 APPLICATION OF THIS ORDINANCE

Except as provided in this ordinance, no person shall subdivide any tract of land which is located within the city nor shall any person create a lot split for any tract of land which is located within the city, except in conformity with the provisions of this ordinance.

1.8 ENFORCEMENT

a. 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 Planning Commission and/or the City Council may institute legal proceedings to have the plat stricken from the records. (See 11 0.S. 41-106, 42-101D, and 45-104B; similar provisions in 19 0.S. 863.9 and 863.10.)

b. 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, 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 ordinance. (See 11 0.S. 41-111)

c. CONSTRUCTION OF IMPROVEMENTS.

1) No owner proposing to subdivide any land located within the City shall proceed with any construction work on such proposed subdivision, including grading, until the owner has obtained from the Planning Commission approval of the preliminary plat of the proposed subdivision and the plans for development have been accepted by City staff.

2) The Development Services Director or his designee 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. All proposed public improvements must be constructed, dedicated, and accepted prior to the issuance of the certificate of occupancy.

3) The 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 here, and for which all improvements have not been constructed. Provided that all proposed public improvements must be constructed, dedicated, and accepted prior to the sale or authorization.

d. 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 minimum requirements for the layout of subdivisions as set forth herein.

e. 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 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 of the changes.

1.9 TECHNICAL ADVISORY COMMITTEE (TAC)

The Technical Advisory Committee is hereby established, composed of one or more representatives of the public utility companies (telephone, electric, gas and cable), all local public school districts, U.S. Post Office, individual pipe line companies, and representatives from the following City departments or divisions:

a. City Manager
b. Legal
c. Development Services
d. Engineering and Construction
e. Utilities
f. Streets/Stormwater
g. Parks & Recreation
h. Police
i. Fire

Designated representatives from concerned districts such as Rural Water Districts, Rural Sewer Districts, and similar entities, and designated representatives of private individuals who express concern with the development may attend and participate in the discussion of proposed plats. The TAC shall act as advisors to the Planning Commission.

1.10 SURVEYS AND MONUMENTS

a. SURVEYS.
   1) Survey shall be considered as a Class 1 Survey in accordance with the Engineering Design Criteria Manual.

2) All horizontal control points shall be tied to the Oklahoma Coordinate System, Oklahoma North Zone as defined in 60 O.S. 19 (NAD83 (1993) with HARN Adjustment) as may hereafter be amended, with coordinates in U.S. Survey Feet. All vertical control points shall be tied to the North American Vertical Datum 1988 (NAVD 88).

b. MONUMENTS. Monuments of suitable size and length shall be placed at all platted subdivision boundary corners, lot corners, block corners, angle points, street centerline points of intersection and points of curvature. In conformance with the Minimum Standards for Land Surveying in the Rules of Procedure 245:15-13 as defined by the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors; monuments shall be constructed of material capable of being detected with the conventional instruments for finding ferrous or magnetic objects. All set monuments shall have affixed thereto a durable marker or cap bearing, at a minimum, the license number of the land surveyor in responsible charge, or the Certificate of Authorization number of the firm performing the survey.

1.11 HEADINGS

Headings are provided for reference purposes and are not to be used as interpretive guides. (Some headings have been added by the codifier.)

1.12 STREET NAMING SYSTEM

The street naming system heretofore adopted by the City of Broken Arrow, and further set forth in the attachments hereto is hereby readopted for use in the naming of all public streets in the City of Broken Arrow, Oklahoma. The following changes have been made in the street naming system:

a. The street known as “Fredericksburg” located in the 7400 block South of Tucson is hereby renamed “Fredricksburg”.

b. The street in the 2000 block West of Elm Place may be known as “Spruce Street” or as “Sycamore Street”.

c. The street located in the 3900 block West of Olive shall be known as “Sweet Gum Avenue”.

d. The street in the 5900 block West of Garnett shall be known as “Quinoa”.

e. The street in the 6300 block west of Garnett shall be known as “Yellow Pine Avenue”. **(Ord. 1759, 2/15/9)**

1.13 MINIMUM STANDARDS CRITERIA

In enacting various provisions of the Broken Arrow Land Subdivision Code, and in promulgating any rules or regulations which may be made necessary in order to carry out the purpose of this Code, the City of Broken Arrow is merely setting forth certain minimum standards for construction which may not be violated in the construction of any public improvements. By setting forth these minimum standards, neither the City as an entity nor any of its staff is making any representations, warranties or assurances that these minimum designs are sufficient. Any person owning such land or developing land within the City limits of Broken Arrow must rely upon their own design professionals to design facilities whether public or private who are capable of providing the 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 this Code, such review by City personnel merely is being performed to determine whether or not the minimum standards are met by the design as depicted in the construction plan. 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 code nor review of improvements to be constructed or proposed under this code shall in any manner create liability for the City of Broken Arrow to the owner, developer, or contractor nor to any person affected by the activities of such owner, developer or contractor.

1.14 OWNER COMPLIANCE

In planning, platting and developing a subdivision, the owner shall comply with the Engineering Design Standards and the minimum requirements set forth in this Code.

ARTICLE 2. PRELIMINARY PLAT

2.1 PRE-APPLICATION PROCEEDINGS

Not less than fourteen (14) days before submitting the preliminary plat to the Development Services Department, the owner or his Consultant shall consult with the Planning Division while the plat is in sketch form, to review the location of proposed streets, City water and sewer mains, parks, pedestrian trails, playgrounds, school sites, other community facilities, high pressure pipelines, and drainage courses in order to acquaint the owner with the City's requirements. This pre-application time period may be reduced by the Development Services Director at his discretion. These pre-application proceedings shall be conducted in sufficient detail to allow the general features of the subdivision and its layout to be determined to the extent necessary for preparation of the preliminary plat. Notes from this meeting shall be submitted with the preliminary plat application.

2.2 PRELIMINARY PLAT PROCESS

a. FILING REQUIREMENT. The owner shall prepare a preliminary plat of the proposed subdivision which shall conform to the requirements contained herein. The owner shall file with the Development Services Department a written application upon designated forms for the tentative approval of the preliminary plat. This filing shall be at least fifteen (15) days prior to the meeting of the Technical Advisory Committee (TAC). At the meeting with the TAC, representatives in attendance, per Section 1.9 will review the plat and make recommendations prior to the review of the preliminary plat by the Planning Commission at the next available meeting.

b. PLAT COPIES. The preliminary plat shall be submitted in the form of five (5) prints, and one (1) copy in digital format of the proposed subdivision, which have been prepared by a Surveyor or Engineer licensed in the State of Oklahoma. The preliminary plat shall show on a map, all the facts needed to enable the Planning Commission to determine the proposed layout of the land in a subdivision is satisfactory from the standpoint of public interest. The preliminary plats shall be folded to 8 by 11 inches (41 0.S. 41-101).

c. ENGINEERING PLANS. Four (4) copies and one (1) copy in digital format of the preliminary construction plans and other engineering data for water, sewer, paving, grading and drainage as prepared in accordance with the engineering design criteria and construction standards and sealed by an Engineer shall be submitted to the Development Services Department with the preliminary plat. No hearings or reviews shall be scheduled until both the preliminary construction plans and the preliminary plat have been submitted.

d. FEES. The owner shall pay all fees to the City as referenced in Article 8.

e. TENTATIVE APPROVAL. After receipt of the recommendations of the staff and the Technical Advisory Committee (TAC), the Planning Commission may tentatively approve the preliminary plat with any modifications, noting all such modifications on the plat. Upon rejection, or on approval subject to modifications, the Planning Commission may require the owner to submit a revised preliminary plat. Tentative approval of the preliminary plat shall be deemed to be an approval only of design features of the tract; the City Manager or his designee or other officials having justification to modify engineering and construction details, may require modification as necessary for the protection of the public interest.

f. PLANNING COMMISSION ACTION TAKEN.

1) The preliminary plat shall be reviewed by the City Staff as to its conformity with the Comprehensive Plan, the Zoning Ordinance, and these Land Subdivision Codes of the City of Broken Arrow. Staff shall prepare and submit to the Planning Commission a report that addresses whether the plat is in compliance with City’s regulations, or that describe any modifications that need to occur to bring the plat into compliance. The Planning Commission shall determine whether the preliminary plat shall be approved, approved with modifications, continued to a date certain, or disapproved and shall give notice to the subdivider in writing. (11O.S. 45-104)

2) Upon approval or approval subject to modifications, the Planning Commission may require the owner to submit a revised preliminary plat. The approval of the preliminary plat by the Planning Commission shall not constitute final acceptance of the subdivision by the Planning Commission. Preliminary approval shall confer upon the subdivider the right for a two (2) year period from the date of approval that the general terms and conditions under which the preliminary approval was granted will not be changed. Preliminary approval as granted will not be changed, unless the City Manager or his designee or other officials having proper justification to modify engineering and construction details requires modification as necessary for the protection of the public interest. (11 O.S. 41-109, 45-103 and 45-104).

2.3 PRELIMINARY PLAT CONTENTS

(SEE ILLUSTRATIONS FOR EXAMPLE FIGURE FOR 2.3)

The preliminary plat shall be clearly and legibly drawn by a Surveyor or Engineer licensed in the State of Oklahoma. The dimensions of the plat shall be twenty-four (24) by thirty-six (36) inches or shall be a size that can be properly and conveniently folded to these dimensions and shall be drawn to a minimum scale of one hundred (100) feet to the inch; except that plats in which all lots contain a net area in excess of forty thousand (40,000) square feet, the plat may be drawn to a scale of two hundred (200) feet to the inch. The drawing surface of the plat shall have a binding margin of two (2) inches at the left side of the plat, a margin of not less than one (1) inch at the right side, and a margin of not less than one and one-half (1 ½) inches at the top and bottom. (11 O.S. 41-108). The preliminary plat shall contain the minimum following information:

a. DESCRIPTION

1) Proposed name of the subdivision. The name shall not duplicate, be the same in spelling, or alike in pronunciation with any other recorded subdivision.

2) City of Broken Arrow development number and case number shall be identified on all pages.

3) Legal description of the property contained within the subdivision.

4) Names of adjacent subdivisions, major arterial streets, highways, railroads, creeks, and floodplains. If the adjacent property is unplatted, it shall be noted as such.

5) Names, addresses, and telephone number of the owner, the owner's surveyor, and the owner's engineer. The certificate of authorization number for the engineer and surveyor shall also be shown.

6) Scale, north arrow, and date of preparation.

7) Important features such as existing permanent buildings; large trees and watercourses; railway lines; oil and gas lines or wells as shown on the records of the Oklahoma Corporation Commission (including abandoned gas or oil wells and dry holes which remain unplugged), existing utilities including sewer lines, water mains, culverts and other underground structures within the tract or immediately adjacent thereto, showing pipe sizes and grades indicates; contours at intervals of two (2) feet which are referenced to NAVD 1988 (see 1.9a) datum; and any other relevant feature necessary for a full and complete understanding of the proposed subdivision.

8) A vicinity map drawn to a scale of a maximum of 2,000 feet to the inch that shows the location of the subdivision and adjacent platted or unplatted properties within the mile section, township, range, city, county, and state.

9) Number of lots, acreage platted, square footage of each lot, and addresses.

10) If the plat contains any PUD zoning, the PUD number shall be shown with the title of the plat. The PUD development regulations, as adopted by the Broken Arrow City Council, shall be included with the deed of dedication and restrictive covenants.

11) Legend of the codes and abbreviations used on the plat.

b. EXISTING CONDITIONS

1) Boundaries of the subdivision shall be indicated by a heavy line.

2) Section and corporation lines shall be shown.

3) Names, right-of-way width, and locations of existing streets and highways adjoining the proposed subdivision shall be shown, as well as any other public ways adjacent to the property,

4) Location and width of any existing easement for utilities on or adjacent to the property shall be indicated. If the easement was recorded by the separate instrument, the document in which the easement was recorded shall be indicated.

5) The location and widths of easements of all oil, gas, and petroleum products pipe lines. The building setback distance from any high-pressure pipeline shall also be shown.

6) The name and width of any railroad right-of-way adjacent to the property shall be indicated.

7) The name of any park or public area adjacent to the plat shall be identified.

8) Regulatory Flood Area Boundaries shall be clearly delineated and shall contain the FIRM panel map number. All property located within the regulatory flood area shall be placed within a reserve area. Maintenance of the reserve area shall be identified in the covenants. Points of access to the reserve area shall not be less than twenty (20) feet in width.

9) Any permanent buildings or wooded areas shall be shown.

10) The location of all unplugged oil or gas wells shall be shown.

c. PROPOSED DEVELOPMENT

1) Location and principal dimensions for all proposed streets, alleys, easements, and areas to be reserved for public use shall be indicated. Any improvements intended for private use only shall be identified on the plat. How the private improvements will be maintained shall be addressed in the covenants.

2) The layout and approximate dimensions of proposed lots. A lot and block number shall be assigned to all lots.

3) Proposed front yard setback lines shall be indicated.

4) Covenants, if proposed, shall be provided. The covenants shall address the party responsible for the maintenance of any reserve areas and the fencing along any arterial street.

5) All proposed public streets, alleys, easements and similar areas intended to be reserved for public use shall be dedicated expressly to the City of Broken Arrow, unless the public use is for a home owners association or similar body, in which case the dedication shall be made expressly to such body.

6) Along arterial streets, the ultimate right-of-way shall be shown from the section line. The document number for any previous right-of-way dedications shall be shown. If right-of-way has not been dedicated previously, it shall be shown to be dedicated with the plat.

7) Proposed landscape area adjacent to any arterial street shall be indicated.

ARTICLE 3. CONDITIONAL FINAL PLAT

3.1 CONDITIONAL FINAL PLAT PROCESS

a. FILING REQUIREMENTS. The conditional final plat shall be filed with the City at least fifteen (15) days prior to the TAC meeting in which it is to be considered. The conditional final plat shall have incorporated all changes or modifications required by the Planning Commission, and otherwise shall conform to the preliminary plat. The conditional final plat may be submitted in stages, each stage constituting only that portion of the approved preliminary plat which the subdivider proposes to record and develop at that time, provided that such portion conforms to all requirements of this Code. (11 O.S. 45-104).

b. PLAT COPIES. The conditional final plat shall be submitted in the form of five (5) prints and one (1) copy in digital format of the proposed subdivision which has been prepared by a Surveyor or Engineer licensed in the State of Oklahoma. The conditional plat shall be folded to 8 ½ by 11 inches size.

c. IMPROVEMENT PLANS. Four (4) copies and one (1) copy in digital format of the detailed proposed construction improvement plans which are prepared by an Engineer licensed in the State of Oklahoma shall be submitted simultaneously with the submission of the conditional final plat. The detailed proposed construction improvement plans shall address hydrology, topography, water, sewer, grading and paving improvements. These plans shall comply with the provisions and requirements set forth in the Engineering Design Criteria Manual and the Construction Specification Standards.

d. PLANNING COMMISSION ACTION.

1) The conditional final plat shall be reviewed by the City staff as to its conformity with the Comprehensive Plan, the Zoning Ordinance, and Land Subdivision Code of the City of Broken Arrow. Staff shall prepare and submit to the Planning Commission a report that addresses whether the conditional final plat is in compliance with City's regulations, or that describe any modifications that need to occur to bring the plat into compliance. The Planning Commission shall determine whether the conditional final plat shall be forwarded to the City Council with a recommendation of approval, approval with modifications, or continued to a date certain. If the Planning Commission should disapprove a conditional final plat, it shall give notice to the applicant in writing.

e. CITY COUNCIL ACTION.

1) APPROVAL BY THE CITY COUNCIL. The City Council shall provide for an adequate hearing after receiving a written report from the Development Services Department, describing the actions taken by the Planning Commission. The City Council shall notify the subdivider of any conditions which may be imposed, and shall approve, approve conditionally, or disapprove the final plat, and shall notify the subdivider of the action taken. The approval of the Council or the refusal to approve shall take place within thirty (30) days from and after the date the plat was first submitted to the Council for final approval, unless the owner agrees in writing to an extension of this time period; otherwise said plat shall be deemed to have been approved and a certificate of the City Council as to the date of the submission of the plat for approval and as to the failure to take action thereon shall be sufficient in lieu of the written endorsement or evidence of approval required by law. The ground of refusal of any plat submitted or of regulations violated shall be stated upon the record of the City Council. (11 0.S. 41-106)

2) City Council approval of a conditional final plat shall be valid for a period of two (2) years from the date of the Council action, and may be renewed annually thereafter by the City Manager or his designee, based upon whether or not there have been changes in the design standards, specifications, or needs of the public during the interim.

f. FINAL CHECKING. After City Council approval of the conditional final plat, the owner or his designated representative shall make all the required modifications as set out by the City Council. The owner or his designated

representative shall then provide one (1) copy of the final plat to all area utility companies for their review and approval (Letter of Release). The copy of the final plat approved by all area utility companies shall be submitted to the City of Broken Arrow for review by the Development Services Department. After staff has determined that all conditions required by City Council have been met, staff shall notify the applicant that the final plat may be printed.

The final plat copies shall be printed on paper twenty-four (24) inches wide by thirty-six (36) inches long. When more than one sheet is used for any plat, each sheet shall be numbered consecutively, and shall contain a City approval stamp and a notation giving the total number of sheets. There shall be a binding margin of two (2) inch on the left side of the thirty-six (36) inch length and one (l) inch margins on all other sides. The owner shall then submit at least twenty (20) prints signed by the owner and the owner's surveyor. Original signatures are required on **all** pages of prints. After all fees have been paid, the copies of the plat shall be signed by the City Clerk and the Mayor or their designee and released to the applicant for filing with the County Clerk.

g. BOND/ESCROW FOR CONSTRUCTION. Prior to the release of the final plat of the subdivision, the owner shall meet the bond requirements, escrow arrangements, letters of credit, or other equivalent device acceptable to the City Manager or his designee in an amount equal to the costs of the construction of all public improvements. Such surety bond escrow arrangements or letter of credit shall be subject to the condition that the improvements must be completed within one (l) year after approval of the final plat. In the event all or any portion of the public improvements are not completed, the City may proceed with the work and hold the owner and the bonding company jointly and separately liable for the costs thereof, or pursue such other remedies as may be available. (11 O.S. 45-104C)

h. FEMA LOMCs. Final plats requiring a Federal Emergency Management Agency (FEMA) Letter of Map Change (LOMC) for proposed construction of habitable structures within proposed lots in the base flood area will not be accepted until such LOMC is approved in writing by FEMA.

i. FILED PLAT. No building permits shall be issued until the owner has supplied the City with twelve (12) certified copies of the final plat and one (1) copy in digital format, each page showing proof of being filed and recorded in the Office of the County Clerk unless approved by the City Manger or his designee.

j. "AS BUILT" PLANS. Plans for each development within the jurisdiction of the City of Broken Arrow shall be provided to the City of Broken Arrow showing all improvements within the subdivision as actually constructed. One (1) hard copy of this plan shall be supplied upon bond paper and one (1) digital file set in AutoCAD, tiff format shall be supplied by the owner upon final approval. All drawings must be stamped “As Built” or “Record Drawings”. In the event the owner fails to present the "as built" plans within forty-five (45) days following the completion of the construction, the City may pursue legal remedies it may have against the owner, or to acquire, through contract or through litigation, copies of the "as built" plans.

3.2 FORM

The final plat shall be clearly and legibly prepared by a Surveyor licensed in the State of Oklahoma. The dimensions of the plat shall be twenty-four (24) by thirty-six (36) inches or shall be a size that can be properly and conveniently folded to 8-1/2” x 11” and shall be drawn to a minimum scale of one hundred (100) feet to the inch; except that plats in which all lots contain a net area in excess of forty thousand (40,000) square feet, the plat may be drawn to a scale of two hundred (200) feet to the inch. The drawing surface of the plat shall have a binding margin of two (2) inches at the left side of the plat, a margin of one (1) inch on all other sides. (11 O.S. 41-108)

3.3 PLAT CONTENTS

a. DESCRIPTION. The conditional final plat shall contain the following:

1) Name of the subdivision and the name and number of any larger subdivision of which this tract now subdivided was once a part. The name shall not duplicate, be the same in spelling, or alike in pronunciation with any other recorded subdivision.

2) City of Broken Arrow development number and case number shall be identified on all pages.

3) Legal description of the property.

4) Names of adjacent subdivisions, major arterial streets, highways, railroads, creeks, and floodplains. If the adjacent property is unplatted, it shall be noted as such.

5) Names, addresses, telephone number, and email addresses of the owner, the owner's surveyor, and the owner's engineer. The certificate of authorization number for the surveyor, and engineer, if applicable, shall also be shown.

6) Location by section, township, range, city, county and state.

7) Scale, north arrow, and date of preparation.

8) A vicinity map drawn to a scale of a minimum of 2,000 feet to the inch that shows the location of the subdivision within the mile section.

9) Number of lots and acreage platted.

10) Stormwater Detention Determination Number and note.

11) If the plat contains any Planned Unit Development (PUD) zoning, the PUD number shall be shown with the title of the plat. The PUD development regulations, as adopted by the Broken Arrow City Council, shall be included with the deed of dedication and restrictive covenants.

12) Legend of the codes and abbreviations used on the plat.

(SEE ILLUSTRATIONS FOR EXAMPLE FIGURE FOR 3.3.a)

b. SURVEY DATA REQUIREMENTS.

1) BOUNDARY LINES. The plat shall constitute a complete land survey of the development boundary including bearings and distances and conforming to 11 O.S. 41 along with ties to at least two (2) Public Land Survey Corners or if the development is within an existing platted subdivision, tie to at least two (2) Platted Subdivision Corners. The boundary shall be determined by an accurate survey in the field, which shall be closed and balanced with an error of closure no greater than 1 part in 10,000. Further, the boundary survey shall meet or exceed the Minimum Standards for Land Surveying in the Rules of Procedure 245:15-13 as defined by the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors.

2) BEARINGS AND DISTANCES. The plat boundary lines shall be dimensioned with all distances shown to the nearest one hundredth of a foot and shall be shown in feet and decimals thereof. Distances shall be ground distances in U.S. Survey feet. All bearings shall be shown to the nearest second, by degrees, minutes, and seconds. The basis of bearings of the final plat shall be cited as grid bearings of the Oklahoma Coordinate System, Oklahoma North Zone as defined in 60 O.S. 29 (NAD83 (1993) with HARN Adjustment) or shall be based upon previously recorded plats or maps including amendments thereto and shall include complete citations of said basis.

3) MONUMENTS. Fully describe all monuments shown on the survey, whether found, set, reset, or replaced describing their material and size. A "Subdivision Control Data" form will be completed for each of the two (2) Public Land Survey Corners or Platted Subdivision Corners tied to each Subdivision Plat. The "Subdivision Control Data" form will provide coordinates in the Oklahoma Coordinate System, Oklahoma North Zone as defined in 60 O.S. 29 (NAD83 (1993) with HARN Adjustment) as may hereafter be amended, with coordinates in U.S. Survey Feet.

(SEE ILLUSTRATIONS FOR EXAMPLE FIGURE FOR 3.3.b.3)

4) EXISTING RIGHTS-OF-WAY AND EASEMENTS. In addition to all Rights-of-Way and Easements being created by the plat, show all Rights-of-Way and Easements which are of record in the appropriate County Clerk's office. Include appropriate instrument identifiers such as the book and page or document number for each Right-of-Way and Easement shown.

c. PROPOSALS FOR NEW CONSTRUCTION. (11 0.S. 45-104C)

1) All proposed right-of-way easements provided for public services or utilities, including any limitations of such easements; street and alley lines, including names, bearings, angle of intersection and widths. Any improvements intended for private use only shall be identified on the plat. How the private improvements will be maintained shall be addressed in the covenants.

2) The accurate outline of all property which is offered for dedication for public use, and all property that may be reserved by covenant in the deeds for the common use of the property owners in the subdivision, with the purpose indicated thereon. All proposed public streets, alleys, easements and similar areas intended to be reserved for public use shall be dedicated expressly to the City of Broken Arrow, unless the public use is for a property owners association or similar body in which case the dedication shall be made expressly to such body.

3) All lot lines shall be described with dimensions and feet in hundredths, and with bearings and angles to minutes and seconds. Lots shall be numbered in numerical order. In tracts containing more than one block, the block shall be likewise numbered in numerical order. In the case of a resubdivision of lots in any block, such resubdivided lot shall be designated by their original number prefixed with the term most accurately describing such division (e.g. West Half of 3, North 40 feet of 5, etc.), or they shall be designated numerically beginning with the number following the highest lot numbered in the block prior to the resubdivision. (11 O.S. 41-102)

4) All proposed lots in each subdivision shall be sequentially numbered according to the address system adopted by the City of Broken Arrow. All street names shall be assigned by the Development Services Department during the preliminary plat process and street addresses shall be assigned by the Development Services Department during the final plat process. After assignment, street addresses shall be designated and printed on each lot of record by the developer, unless otherwise approved during the plat review process.

5) Each plat shall include a caveat and a disclaimer as follows:

6) Front building setback lines. Building setback lines from street frontages shall be shown on the plat.

7) Accurate outlines of any areas to be dedicated or temporarily reserved for public use with the purpose indicated thereon.

8) One percent (1%) 100-year floodplain boundaries. All property located within a one percent (1%) (100-year) floodplain shall be placed within a reserve area. Maintenance of this reserve area shall be identified in the covenants and shall meet the City of Broken Arrow Regulatory Floodplain Policy. Access to the reserve area, including the provision for trails, shall also be address in the covenants. Points of access to the reserve area shall be at least twenty (20) feet in width.

9) Accurate location and material of all monuments shall be shown on the construction plans and the plat with the ability to reference Oklahoma State Plane Coordinate System NAD83 (1993).

10) Final construction drawings for all public improvements constructed or to be constructed in the subdivision shall have been submitted to the City of Broken Arrow.

11) Landscape Plan. Where applicable, a landscape plan shall be reviewed and approved by the City of Broken Arrow.

12) Covenants, if proposed, shall be provided. The covenants shall address the party responsible for the maintenance of any reserve areas and the fencing along any arterial street.

d. CERTIFICATES

1) PLANNING COMMISSION AND COUNCIL APPROVAL. Construction plans for the improvements shall be sealed by the owner's Engineer and shall be submitted to the Development Services Department. The Planning Commission shall advise the City Council whether or not the plat meets all applicable requirements and forward same to the Council, whose final approval and certificate of compliance shall be affixed to the final plat. Prior to certifying that the plat meets all applicable requirements, the Council may request affidavits, certificates, acknowledgments, agreements or endorsements from any public agency concerned, including the City Manager.

2) SURVEYOR'S CERTIFICATE. An affidavit and certificate by the owner's Surveyor stating he has fully complied with the requirements of this Code and the subdivision laws of the State of Oklahoma governing surveying, dividing and mapping of the land; that the plat is a correct representation of all the exterior boundaries of the land surveyed and the subdivision of it; that the plat represents a survey made by him and that all monuments indicated thereon actually exist in their location, size and material and are correctly shown. (11 0.S. 41-104; 59 0.S. 475.22a)

(SEE ILLUSTRATIONS FOR EXAMPLE FIGURE FOR 3.3d.2)

3) OWNER'S CERTIFICATE. An affidavit and certificate by the owner of the land, stating the land described in the plat has been surveyed, divided, mapped, dedicated and access rights reserved as represented on the plat. Dedication of the streets, easements and other public areas shall be made as part of this certificate. This certificate shall be executed in the same manner as a real estate conveyance is executed. (11 O.S. 41-104)

(SEE ILLUSTRATIONS FOR EXAMPLE FIGURE FOR 3.3d.3)

3.4 CONSTRUCTION PLANS

1) PROPOSED PLANS. The proposed construction plans and other engineering data for water, sewer, grading, paving and drainage as prepared and sealed by an Engineer licensed in the State of Oklahoma shall be submitted to the Development Services Department with or prior to the proposed final plat. No hearings or reviews shall be scheduled until both the proposed final plat and the proposed construction plans have been submitted.

2) MONUMENTS. Accurate location and material of all monuments shall be shown on the construction plans.

3) BENCH MARKS based on the proper datum identified in this document shall be shown.

4) DRAWINGS OF IMPROVEMENTS. Construction drawings are required for all other public or common improvements constructed or to be constructed in the subdivision.

ARTICLE 4. SUBDIVISION DESIGN STANDARDS.

4.1 GENERAL DESIGN STANDARDS

The proposed subdivision shall conform to the Broken Arrow Comprehensive Plan, Zoning Ordinance, and all official maps.

a. STREETS.

1) The arrangement, character, extent, width, grade, names, and location of all streets shall conform to the Comprehensive Plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. Where not shown on the Comprehensive Plan or Zoning Ordinance, the arrangement and other design standards of the street shall conform to the provisions found herein. (11 0.S. 41-101 and 45-104)

2) Streets shall be designed in accordance with the provisions and requirements set forth in the Engineering Design Criteria Manual.

3) All residential subdivisions which are designed to provide property for more than twenty (20) dwelling units, or residential subdivisions which are designed for the potential development and extension beyond their present boundaries, shall be required to design and construct a minimum three-lane intersection with all arterial streets adjacent to the subdivision. At least seventy (70) feet of right-of-way shall be provided for the first one hundred (100) feet from the arterial street right-of-way tapering to the interior right-of-way width at a 30° angle.

4) Commercial and industrial developments serving or exceeding five acres in size shall be required to design and construct a minimum three-lane intersection with all arterial streets adjacent to the development. At least eighty (80) feet of right-of-way shall be provided for the first 100 feet from the arterial street right-of-way tapering to the interior right-of-way width at a 30° angle.

5) The design of three-lane intersections with arterial streets shall have the collector or major street constructed with a four foot (4') to ten foot (10') wide landscaped or painted median, so located as to provide for two (2) outbound lanes and one (1) inbound lane. One (1) outbound lane shall be for right-turn traffic and one (1) outbound lane shall be for left-turn or through traffic. Appropriate instructional signs, painting of the street lanes, or other appropriate markings should designate the authorized traffic movement for each lane. Any structures or landscaping proposed in the center median shall be reviewed and approved by the City of Broken Arrow. The inbound lane shall be a minimum of 20 feet in width for all public or private streets. **(Ord No.3219 adopted 12-18-12)**

b. NAMING STREETS. Naming of streets shall be assigned by the Development Services Department according to the Street Naming Policy. The arrangement for streets and new subdivisions shall make provisions for the continuation of the existing and adjoining areas, and street names shall not duplicate or closely approximate existing street names except where the new streets are extensions of existing streets. All streets shall be platted in such a manner that all resulting lots will conform to the Zoning Ordinance of the City. House numbers shall be assigned in accordance with the house numbering system in effect in the City. All North and South thoroughfares shall be designated "Avenues". All East and West thoroughfares shall be designated "Streets" and street name signs shall be placed at all street intersections within or abutting the subdivision. Such signs shall be of a type approved by the City and shall be placed in accordance with the standards of the City. (11 0.S. 41-101)

c. ABUTTING UNSUBDIVIDED LAND. Where adjoining areas are not subdivided, the arrangement of streets and new subdivisions shall be carried to the boundary of the tract proposed to be subdivided. If the street that connects to the adjacent unplatted property is more than one (1) lot in length, provisions shall be made for a temporary right-of-way for a turn-around of a size acceptable to the Development Services

a. Director and Engineering and Construction Director. Barricades shall be installed at dead-end streets. The City of Broken Arrow subdivision regulations shall govern alignments, grades, drainage, and other appropriate design criteria of all streets within and bordering new subdivisions where applicable.

d. ABUTTING HIGHWAY. Where a subdivision abuts or contains an existing highway, the Commission will require access roads and service lanes per City Policy or Comprehensive Plan as may be necessary to afford separation of through and local traffic.

e. RAILROAD ON OR ABUTTING SUBDIVISION. Where a subdivision borders on or contains a railroad right-of-way or limited access right-of-way, the City 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 due regard for the requirements of approach grades and future grade separations.

f. HALF STREETS PROHIBITED. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity of other requirements of these regulations, and where the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within said tract.

g. ACCESS TO STREETS AND CROSS DITCHES. The owner shall provide access to all proposed streets, including necessary crossings of ditches and creeks, in a standard method approved by the Development Services Director.

h. HARDSHIP TO OWNERS OF ADJOINING PROPERTY AVOIDED. The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

i. REVERSE CURVES. A tangent at least fifty (50) feet in length shall be introduced between reverse curves on industrial and commercial streets.

j. SUBDIVISION OF TRACTS IN LARGER THAN ORDINARY BUILDING LOTS. Where a tract is subdivided into larger parcels than ordinary building lots, such parcel shall be arranged so as to allow the opening of future streets and logical further resubdivision.

k. 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.

l. CURBS, GUTTERS, AND DRAINAGE. Curbs, gutters, drainage and drainage structures shall be provided in accordance with the standard specifications of the City. Such construction shall be subject to inspection and approval of the Engineering and Construction Director or his designee.

m. LIGHTING. Lights shall be provided at each street intersection within or abutting the subdivision and a type provided in accordance with the City Streetlight Policy.

n. LOW IMPACT DEVELOPMENT. Proposed subdivisions designed to achieve low impact development goals and low impact development certification from the City of Broken Arrow shall meet design and best management practices as set forth in the Low Impact Development Criteria Manual.

o. SIDEWALKS. Concrete sidewalks shall be constructed along both sides of every arterial street, commercial street, or residential street shown on the plat in accordance with applicable standard specifications of the City; provided that concrete sidewalks shall be constructed only on the one (1) side of frontage roads opposite from the highway; provided further that sidewalks shall not be required on the interior of industrial subdivisions, unless the Planning Commission or the City Council determines that there is a need for such sidewalks for pedestrian movement to a residential subdivision or to a school site. After final acceptance by the City of the sidewalks, the maintenance thereof shall become the responsibility

of the abutting property owners. Public sidewalks on private property shall be placed in a sidewalk easement.

p. REGULATORY FLOOD AREAS. The area which is subject to inundation by the Regulatory Flood; that is, in lands having a one percent (1%) chance of occurring in any given one (1) year based upon projected, ultimate urbanized conditions. This includes area of shallow flooding which occur where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. This also includes human-made sumps and streets as well as areas, which although not presently in the flood area, may be flooded in the future by increased runoff due to actual urbanization. The Regulatory Flood Area is designated on the Broken Arrow Regulatory Floodplain Map. The Regulatory Flood area shall be consistent with the City approved policy.

q. BUFFER OF HIGHWAYS AND ARTERIALS. In platting lands abutting federal or state highways, or arterial streets, every effort shall be made to reduce the adverse impact of heavy or high speed traffic on such lands, especially where used for residential purposes; to minimize interference with through traffic operations; and to reduce vehicular and pedestrian accident hazards. To accomplish these purposes, lots abutting such thoroughfares should be platted at generous depth, and vehicular access to such lots shall be provided by means of minor streets, alleys in the rear, or access streets immediately alongside the traffic way; or the frontage of such lots shall be reversed and the lots may be front on a minor street paralleling the thoroughfare at a distance of appropriate lot depth, with all private driveways connecting to such minor street; or a collector street may be located parallel to such thoroughfare at a distance not less than 100 feet nor more than 1,000 feet, and loop streets or cul-de-sacs may be extended from such collector street toward the thoroughfare, the ends of which will give the access to the lots abutting the thoroughfare immediately along the rear or side lot lines.

r. COLLECTOR STREETS. Collector streets are not required in single-family residential developments. Where collector streets are provided, they shall be so located as to provide for smooth traffic flow within the areas served, but in such a way as to discourage through traffic. Collector streets should normally be continuous for distances of not more than one mile, and offsets which are likely to induce continuing of traffic flow beyond that distance shall be avoided. Access from residential lots onto collector streets shall be discouraged and limits of no access shall be applied as much as possible on such residential collector streets.

s. BLOCKS. Blocks shall have sufficient depth to provide for two (2) tiers of lots of appropriate depth, except in the case of reverse frontages.

1) Each lot shall be provided with access to a public street or highway to assure convenient ingress and egress to and from such lot, and to provide adequately for the layout of utilities, garbage and waste removal, fire and police protection and other services, and to protect and further the public health and safety generally. Subdivisions intended for commercial or industrial occupancy shall not have residential access to residential streets or residential collector streets under any circumstances, except in the case of appropriately separated planned retail centers.

2) For the purpose of assuring traffic safety and efficient traffic operations on the thoroughfare system and the county highway system, non-access provisions shall be made to the satisfaction of the City along all collector and arterial streets. A description of such non-access provisions shall be affixed to the final plat.

3) The number of intersecting streets along arterial streets and highways shall be held to a minimum. Blocks along such arterials and highways should generally not be less than 1,200 feet in length.

t. STREET JOGS. Street jogs with the centerline offsets of less than 125 feet for minor streets or less than 150 feet for streets intersecting collector or arterial streets shall be avoided.

u. CUL-DE-SAC STREETS. Cul-de-sacs, designed to be permanent, should not be longer than 550 feet and shall be provided at the closed end with a turnaround having an outside right-of-way diameter of at least 100 feet and a paved radius of not less than forty (40) feet; provided that the Planning Commission may expressly grant permission for the developers to design for the construction of longer cul-de-sacs. The

length of the cul-de-sac shall be measured from the centerline of the intersecting street to the radius point of the cul-de-sac.

v. MINOR STREETS. Minor streets shall be so laid out that their use by through traffic will be discouraged.

w. STREET RIGHT-OF-WAY WIDTHS. Street right-of-way widths shall be in accordance with the provisions and requirements set forth in the Engineering Design Criteria Manual. (**Ord No. 3169, adopted 8-16-11)**

x. INTERSECTIONS. The intersection of more than two (2) streets at one point shall be avoided, except where it is impractical to secure a proper street system otherwise. Streets shall intersect one another in accordance with the provisions and requirements set forth in the Engineering Design Criteria manual. "T" intersections (three-way) are encouraged for all streets except arterials and highways. Minor streets with a four-way intersection should be discouraged. Instead, consideration should be given to having a traffic calming device at the intersection. Property line corners at intersections involving arterial streets shall be clipped by an angle of forty-five degrees (45°) at a distance of at least 25 feet along each street frontage.

4.2 EASEMENTS AND SETBACKS

a. BUILDING AND STRUCTURE SETBACKS FROM ALL HIGH PRESSURE PIPELINES. All residences, buildings, and other habitable structures shall be set back a minimum of fifty (50) feet from all high pressure pipelines, which pipelines are under the regulatory jurisdiction of the United States Department of Transportation. In cases where an existing pipeline has been abandoned and/or removed, and the property owner and the pipeline company have provided necessary documentation, the building line setback from the pipeline can be reduced as necessary to facilitate the project.

b. UTILITY EASEMENTS. Easements with a width of eleven (11) feet shall be provided on each side of all rear lot lines and along certain side lot lines when necessary for public utilities. Easements with a width of 17.5 feet shall be provided around the perimeter of the subdivision. TAC may recommend modifications to these requirements.

c. OVERLAND DRAINAGE EASEMENTS. Where a subdivision is traversed by a water course, either improved or natural, there shall be provided an overland drainage easement containing the contours of Floodplains and smaller watercourses.

d. STORM SEWER EASEMENTS, SEWER LINE EASEMENTS, and WATERLINE EASEMENTS. When a subdivision is designed with easements reserved solely for installation, operation, and maintenance of these individual public utilities, they shall be labeled as such on the final plat.

e. DETENTION EASEMENTS. When a subdivision contains a stormwater detention facility, it shall be contained within a detention easement.

f. LANDSCAPE/FENCE EASEMENT. When a subdivision contains a specified area to be used for the purpose of planting and maintaining trees, shrubs, and/or fencing along an arterial as a part of the City of Broken Arrow Zoning Ordinance, it shall be contained within a landscape/fence easement.

g. MUTUAL ACCESS EASEMENTS. When a subdivision contains an area designed for the purpose of constructing a paved drive for ingress and egress over, through and across multiple tracts, it shall be contained within a mutual access easement. The mutual access easement allows access of all emergency and service vehicles, together with all necessary and convenient appurtenances thereto; except that other utilities may utilize said mutual access easement for the purpose of lateral crossings only.

h. ACCESS EASEMENTS. When a subdivision contains an area specified for the purpose of providing ingress and egress over and through a specified tract it shall be contained within an access easement. Access shall be provided from a public street or an access easement to reserve areas, stormwater detention

facilities, watercourses, regulatory flood areas, lift stations, or other specified locations requiring access for people, vehicles, and equipment.

i. SIDEWALK/TRAIL EASEMENT. When a subdivision contains a public sidewalk or trail that is proposed for construction, operation, and maintenance outside of a public street right-of-way, it shall be contained within a sidewalk/trail easement.

j. FIRE HYDRANTS AND WATER LINES. All fire hydrants necessary to meet the applicable standards of the City of Broken Arrow, and all water lines upon which fire hydrants are fixed must be placed within an easement dedicated to the public to provide access for maintenance to all portions of the line and to the fire hydrant.

(SEE ILLUSTRATIONS FOR EXAMPLE FIGURE FOR 4.3.j)

4.3 LOTS (11 0.S. 41-102)

a. DIMENSIONS. Lot dimensions in area and in frontage shall not be less than the requirements under the Zoning Ordinance, or PUD requirement.

b. ACCESS. All lots shall abut on a publicly dedicated street or on a private street if the City Council specifically approves the creation of such private street under provisions of a PUD.

c. SIDE LOT LINES. Side lot lines shall be substantially at right angles to straight street lines or radial to curve street lines.

d. CORNER LOTS. Corner lots shall have extra width to provide appropriate building setback from and orientation to both streets to meet frontage requirements per the Zoning Ordinance.

e. UNINHABITABLE LOTS. Lots subject to flooding and lots deemed by the Planning Commission to be uninhabitable shall not be platted for residential occupancy nor for such other uses as may increase danger to health, life or property. Such land within the plat shall be set aside for such uses as are consistent with other provisions of the Broken Arrow Code; provided that all remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, rather than be allowed to remain as unusable parcels.

f. DEPTH OF LOT. Excessive depth in relation to width shall be avoided; depth to width ratios of 1 to 1 or 2 to 1 will normally be considered appropriate.

g. YARD REQUIREMENTS. Lots for residential purposes shall have sufficient width at the building setback lines to permit compliance with side yard or distance requirements under the applicable Zoning Ordinance and still be adequate for a building of practicable width.

h. PIE-SHAPED LOTS. All pie-shaped lots shall have at least thirty (30) feet of street right-of-way frontage.

i. DOUBLE FRONTAGE AND LIMITS OF NO ACCESS - Double frontage lots shall not be allowed and no individual lot in any residential subdivision shall have a curb cut or a drive, or a vehicular opening onto any arterial street or limited access facility. Limits of no access (L.N.A.) shall be placed on all single-family and two-family residential plats created hereafter to prohibit driveways, curb cuts, and roadways for individual lots on arterial streets and limited access roads.

j. PRIVATE SEWER FACILITIES. Where public sanitary sewer facilities and/or water facilities are not accessible, the lot size shall be increased to meet the Oklahoma Department of Environmental Quality guidelines for minimum lot size for on-site disposal.

ARTICLE 5. LOT SPLITS AND LIMITS OF ACCESS

5.1 LOT SPLITS

a. SURVEY. The Planning Commission may require applicants for a lot split to submit a sketch, plat, record of survey, and any other information it deems pertinent to its determination.

b. PUBLIC UTILITIES. Applications for lot splits shall be signed by the Engineering and Construction Director, Utilities Department Director, or their designees, and the various private utilities to establish the existence of adequate public easements to serve the resulting lots prior to being submitted to the Planning Commission.

c. PLANNING COMMISSION REVIEW. Any proposed lot split shall be submitted to the Planning Commission for review. If the Planning Commission is satisfied that such proposed lot split is not contrary to the applicable regulations, it shall approve such lot splits within thirty (30) days after submission, and upon presentation of a conveyance of said resulting parcel, shall stamp the same "I hereby certify that this Lot Split was approved by the Broken Arrow Planning Commission on _____ BAL No. ____" and be signed by the official designated by the Planning Commission.

5.2 LIMITS OF ACCESS

a. When any land has been platted under this Code, or under other applicable law, and the owner of all land affected by the proposal wishes to add limits of no access to the plat, or wishes 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. The owner shall prepare an application specifying the legal description of all land affected by the change, certifying that the owner of the equitable title in the land desires the change, identify the plat by name and plat number as filed in the appropriate county and specifying proposed changes in detail. Such application shall include a sketch site plan showing the requested modifications, all existing curb cuts, buildings, drives, parking areas, and other relevant items, and also including all proposed curb cuts.

b. The applicant shall pay to the City a change of access application fee and shall file the application with the Development Services Department, forwarded to the Engineering and Construction Department for review by both departments. The review shall include an evaluation of whether the proposed changes would tend to increase problems with the public traffic flow, utility easements and 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.

c. The application shall then be submitted with a staff recommendation to the Planning Commission for hearing. In the event the Planning Commission approves the application, staff shall send a letter to the applicant documenting such action and applicant shall file this letter with the appropriate County Clerk to be filed of record. Effective as of the date of such filing, the area of limits of no access previously existing and which were sought to be removed shall be held expressly vacated by this action, and any new limits of no access shall be binding upon all parties to whom constructive notice is so given. In the event the Planning Commission rejects the application, a letter shall be sent to the applicant documenting this action and a copy of the letter will be placed in the lot split file.

ARTICLE 6. MISCELLANEOUS REQUIREMENTS, POLICIES AND APPROVALS

6.1 GENERAL

Prior to any work being done on each utility in a subdivision the Developer must receive approval of the plans for the utility and issue a permit for the construction from the City. It is the developer's responsibility to ensure that plans are received by the City in sufficient time to allow plan approval and issuance of the permit before the proposed start of construction. Should the developer or his contractor start work on a subdivision prior to issuance of a permit for that work, the City will issue a stop work order. That order shall remain in effect until such time as the permit is issued.

6.2 MISCELLANEOUS REQUIREMENTS

a. DRIVEWAYS: Driveways shall be constructed in accordance with the Standard Construction Specification manual.

b. BUILDING PADS: Fill areas for buildings and structures shall be compacted as subgrade in lifts with a maximum thickness of eight (8) inches.

c. UTILITY ADJUSTMENT: All utilities that are designed to be at ground level shall be adjusted to the appropriate level when the grades are altered during construction.

d. LANDSCAPE: All landscaped strips, parkways and screening areas dedicated to the public shall be graded, seeded and planted in an appropriate manner by the owner.

e. STREET SIGNS: The owner shall submit a list of street signs required and pay the fee for those signs at the time of final platting. Upon completion of the paving the street signs shall be procured and installed by the Public Works Department.

f. FENCES:

1) All residential developments that abut an arterial, collector, turnpike or Federal or State Highways shall be screened with a solid opaque fence/screen that is a minimum of six (6) feet and not more than ten (10) feet in height. Alternative fencing may be reviewed and approved through a Planned Unit Development (PUD) zoning.

2) No building or retaining wall shall be built in a right-of-way or utility easement that would interfere with the maintenance of a city utility.

3) Unless otherwise approved by the Planning Commission, all fencing shall be uniform. Replacement fencing/screening shall retain its original height and material and the top elevation shall match the adjoining elevation. All new fences, including replacements for existing fences, which are required by the Zoning Ordinance, shall have the vertical support posts constructed of permanent building materials that may include but not be limited to a minimum of schedule 40 galvanized steel posts with an outside diameter equal to or larger than two and three-eighths (2 3/8) inch, masonry columns at least one (1) foot square, or PVC fencing using dual extruded PVC posts. The Planning Commission may permit alternative support posts as part of any site/landscape plan review, as long as the materials used meet or exceed the wind load capabilities of the materials listed above. Footings shall be constructed of concrete or equivalent materials. Any existing fence otherwise lawful at the time of construction and thereafter maintained may continue throughout its useful life; however, the replacement of such fence or other repair of more than thirty (30) consecutive linear feet shall require the replacement or repair to conform to the standards listed herein**.**

4) Fences along an arterial street and reserve areas shall be installed by the developer. A home owner's association shall be formed that will be responsible for the maintenance of the fence.

g. HIGH PRESSURE PIPELINE MARKERS: When a lot is located within 500 feet of a high pressure pipeline, which transports combustible materials, a marker will be placed in the curb in front of the lot. The marker shall be cast from yellow brass and mounted in concrete as specified in the City of Broken Arrow Standard Construction Specifications.

h. LIGHTING:

1) General: Provisions shall be made by the developer for adequate lighting of public streets within the proposed subdivision in accordance with the City's Street Lighting Policy.

2) Types of Lights: Lights shall conform to the standard types accepted for maintenance by the local electric company. Decorative lights must be approved by the City and the electric company prior to installation.

3) Spacing: Lights shall be placed at a maximum of 600 feet apart and in accordance with the City's Street Lighting Policy.

(SEE ILLUSTRATIONS FOR EXAMPLE FIGURE FOR 6.2.h)

6.3 SUBDIVISION POLICIES AND GUIDELINES FOR PRIVATE STREETS, AND GATED RESIDENTIAL DEVELOPMENTS

a. GENERAL REQUIREMENTS: PRIVATE STREETS, SIDEWALKS, STORM SEWERS, AND RECREATIONAL AREAS AND PLANNED UNIT DEVELOPMENTS

1) Private streets shall be allowed only within Planned Unit Developments. Private streets shall be constructed and maintained with the same standards established in the City of Broken Arrow Land Subdivision Code for public streets, and shall include sidewalks curbs, pavements, storm water inlets and all street fixtures. Pavement widths, paving and structure design and the drainage system shall be in accordance to the Land Subdivision Code. Maintenance of private streets, by the property owners association shall be established in the Deed of Dedication of the recorded plat.

2) Private street subdivisions shall not be permitted if adjacent subdivisions or undeveloped land have or require access to and from these streets. Private streets shall not be permitted if access to an existing or future collector street is impeded or rendered impossible.

3) Private street subdivisions shall have sidewalks in accordance to the Land Subdivision Code. Pedestrian (sidewalk) entrances shall be identified in the PUD proposal.

4) Private street subdivisions with twenty (20) or more dwelling units shall have more than one (1) ingress and egress.

5) Private street subdivisions may not have interior school bus services. School bus locations shall be shown in detail on paving plans, and require approval by the applicable public school district.

6) All private street lighting costs shall be paid by the home owners association. All private streetlights shall be installed in accordance to the Land Subdivision Code and the City's Street Lighting Policy; however, the system shall be maintained privately.

7) All private street signs shall be maintained privately in accordance to the Land Subdivision Code and shall be of red (or other approved) color background.

8) Storm sewer systems in gated residential subdivisions shall be built in accordance with the Engineering Design Criteria Manual and shall be maintained privately by the home owners association.

9) Parks, trails, and recreation areas within gated developments shall be privately owned and maintained by the home owners association.

b. PRIVATE STREET ENTRANCE REQUIREMENTS

1) All private street entrances shall be on arterial or collector streets only.

2) All private street entrances (at the gate) shall have entrance and exit lanes, with lanes being at least twenty (20) feet wide. **(Ord No. 3219 adopted 12-18-12)**

3) All private street entrances (at the gate) shall have entrance and exit lanes, with lanes being at least fourteen (14) feet wide.

4) The call box shall be a minimum of three (3) car lengths (60 feet) from the ultimate curb of the adjacent arterial street.

5) All private street exits on arterial streets shall have two (2) lanes for outbound traffic and one (1) lane for inbound traffic.

6) All pedestrian access shall be provided near the main entrance and be part of the site plan.

7) If private street entrances have a structure (or cover) over the driving lane, the vertical clearance shall be at least fourteen (14) feet.

8) Private streets intersecting with any public street shall have a turn-around before the gate entrance that provides thirty-eight (38) foot minimum from the entrance face of curb on the control panel island to the face of curb on the outside of the exit lane. The turn-around shall provide space between control panel-island and gate or gate-island for at least a 'P' design vehicle (full size passenger vehicle) to make the turn-around in one fluid motion.

9) Access to all emergency and service delivery vehicles shall be guaranteed at all entrances by the home owners association. These vehicles include, but are not limited to, the following agencies: Police, Fire, Ambulance, Street/Stormwater, Utilities and General Services, refuse pickup, mail delivery, municipal and county inspections (code) departments, other municipal and government agencies, utility companies (electric, gas, telephone, cable TV, water, sewer), etc. The Developer and the home owners association shall provide insurance indemnification for any loss to any government vehicles.

10) All current security codes, passwords/numbers and devices necessary to allow instant access shall comply with the requirements set out in subsection 6.3.

c. GUIDELINES FOR OPERATIONAL GATES ON PRIVATE STREETS

1) Gates or any control device shall be allowed only on private streets and private streets shall only be permitted in a PUD subdivision.

2) Maintenance of the gate shall be the responsibility of the home owners association and shall be established in the Deed of Dedication of the recorded plat.

3) Maintenance contracts, to service and repair the gates, by a private contractor or a home owners association, shall require periodic inspections by private companies. These contracts and maintenance records shall be available to the City of Broken Arrow upon request.

4) The PUD shall specify that the home owners association shall be required to apply for and receive a Gate Access Permit yearly. The Gate Access Permit shall be issued by the City and shall provide a four (4) digit City access code(s) number, which shall be programmed into the gate by the home owners association and at the home owners association's cost and expense. The Gate Access Permit fee shall be twenty dollars ($20.00). The gate access code(s) are solely for the utilization by the City in City Emergency and/or Street/Stormwater, Utilities and General Services' vehicles as provided in this Code. The City shall provide a new code(s) to each home owners association upon each year's renewal. The City's access code(s) shall be assigned by the City and the home owner's association shall utilize the access code(s) issued to it. The home owner's association shall have thirty (30) days from the date of receiving its permit to program its gate(s), after which time, should an emergency vehicle require access into the gated property and the assigned code not be programmed into the gate, the emergency vehicle may crash the gate without recourse and at the home owner's association's sole expense. Names and contacts of maintenance companies, groups or individuals involved in contracts shall be provided to the City on an annual basis.

5) Gates shall provide full clearance from the ground or street level to at least fourteen feet (14') vertically.

6) Gate design and systems shall be approved by the City of Broken Arrow prior to installation. Gates shall be designed in such a manner that in cases of electrical power loss they will open automatically and remain in an open position until such time that the electrical power is restored.

7) All security locks or devices used to secure any gate apparatus shall be approved by the City of Broken Arrow. Hard-tempered steel locks shall not be permitted.

8) Entrance lights, gate lights and keypad lighting shall be approved through the site plan review.

6.4 CITY APPROVAL

If the plans and specifications for the proposed improvements meet or exceed the applicable construction standards, the Development Services Director or his designee shall show his approval by affixing his signature and the date of approval to the plans and specifications. One (1) set of the approved plans and specifications shall be returned to the engineer developer, or owner of the proposed subdivision.

6.5 CITY DENIAL

If the plans and specifications for the proposed improvements do not meet the applicable design or construction standards, the Development Services Director or his designee shall so notify the owner's Engineer in writing. This shall serve as notice that work on the proposed project, as scheduled, is suspended pending approval of revised plans and specifications.

6.6 WATER AND SEWER APPROVAL

a. Water and sanitary sewer system lines greater than twelve (12) inch nominal size, force mains, lift stations, and the associated appurtenances require approval and a permit from the Oklahoma State Department of Environmental Quality (ODEQ) before the proposed system can be tapped into the existing system. The developer may start work on water and/or sanitary sewer prior to receipt of the State permit.

   This will be allowed only upon receipt of a letter from the owner that clearly states that all work is at the owner's risk. Systems installed in this manner will not be tapped onto the existing City system until final State approval and subsequent acknowledgement by the City Council is obtained and any changes required

by the State permit are made. Submittal requirements for lines greater than twelve (12) inch nominal size force mains, and lift stations:

1) Six (6) sets of City accepted plans.

2) DEQ Application for Permit to Construct.

3) DEQ Engineering Report Form signed and sealed by the project engineer.

4) Check made payable to DEQ for permit costs.

b. The City of Broken Arrow is Self-Certified for issuance of permits on Water and gravity Sanitary Sewer lines twelve (12) inch in nominal size and smaller. The design shall comply with the requirements identified in the Engineering Design Criteria Manual. The following items are required for City and subsequent submittal to DEQ:

1) Five (5) sets of City accepted plans.

2) DEQ Engineering Report Form signed and sealed by the project engineer.

3) Check made payable to DEQ for permit costs.

6.7 DOCUMENTS REQUIRED FOR PLAN APPROVAL & PERMIT ISSUANCE

a. EARTH CHANGE PERMIT. Three (3) copies of the grading plan and Stormwater Pollution Prevention Plan (SP3) covered by the permit.

b. BONDS: All requests for utilities construction permits must be accompanied by performance and maintenance bonds in accordance with Article 9. The maintenance bond must be for a minimum period of one (1) year after acceptance of the utility.

6.8 PRE-CONSTRUCTION CONFERENCE

A pre-construction conference shall be scheduled with the owner, the prime contractor, the owner's Engineer, and representatives of the City prior to commencement of construction. The owner shall provide the City with a list of all significant subcontractors and with a copy of all notices to proceed which are issued to the contractors.

6.9 APPLICATION FOR CLOSING EASEMENT OR PUBLIC RIGHT OF WAYS

All applications for closing easements or public right of ways located within the City of Broken Arrow shall be filed on forms furnished by the City of Broken Arrow; and the applicant shall furnish the following information:

a. A plot plan or other representation sketch or drawing depicting distances and points of the compass and showing the location of the public right of way or easement;

b. The legal description of entire public right of way or easement and a legal description of the portion of the right of way or easement to be closed;

c. The purpose for which the easement was originally given and a statement of why a closure is being requested;

d. If an easement or public right of way was established by any instrument (other than a subdivision plat) recorded in the County, a copy of such instrument duly certified by the County;

e. If the easement or public way was established by statutory dedication pursuant to a recorded subdivision plat, the name of the subdivision and plat number;

f. If an applicant seeks to close a public right of way, applicant shall furnish a list, certified by a bonded abstractor, containing the names and addresses of all owners of record, as shown by the current year's tax rolls in the Office of the County Treasurer, of property abutting the public right of way and such other owners of records whose property is within three hundred (300) feet in any direction from the public way sought to be closed; and

g. Any such additional information as may be determined by the City of Broken Arrow to be necessary for evaluating the application.

6.10 ENCROACHMENT AGREEMENT

All applications for encroachment agreement located within the City of Broken Arrow limits shall be filed on forms furnished by the City of Broken Arrow; and the applicant shall include the following information:

a. A plot, plan or other representation sketch or drawing depicting distances and points of the compass and showing the location of the public right of way or easement;

b. The legal description of entire public right of way or easement and a legal description of the portion of the right of way or easement to be closed must be included;

c. If a public right of way or easement is being encroached upon, the purpose for which the public right of way or easement was originally given and a statement of why an encroachment agreement is being requested;

d. If an easement or public right of way was established by any instrument (other than a subdivision plat) filed in the County, a copy of such instrument duly certified by the County;

e. If the easement or public right of way was established by statutory dedication pursuant to a recorded subdivision plat, the name of the subdivision and plat number;

6.11 VACATION OF PLAT

All applications for vacation of plat located within the City of Broken Arrow limits shall be filed on forms furnished by the City of Broken Arrow; and the applicant shall include the following information:

a. A statement of why the existing plat vacation is being requested.

b. A plat or other representation sketch or drawing showing the proposed area to be replatted.

c. The legal description of entire plat and a legal description of the portion of the plat to be vacated must be included;

6.12 RESERVATION OF RIGHTS UPON CLOSING

The City of Broken Arrow shall retain the absolute right to reopen a public right of way or easement without expense to the City. The closing of any public right of way or easement shall not affect the right to maintain, repair, reconstruct, operate and remove utility facilities existing therein, nor shall such closing affect private ways existing by operation of law.

ARTICLE 7. ENGINEERING, SUPERVISION, INSPECTIONS, AND ACCEPTANCE

7.1 DESIGNER

All plans and specifications for public improvements shall be prepared by or under the direct supervision of a Licensed Professional Engineer. The Engineer shall be licensed in the State of Oklahoma and shall affix his seal to all plans and specifications. If required by State regulations, the engineer shall include the firm's Certificate of Authorization Number and expiration date.

7.2 REVIEW OF PLANS

The City shall review all plans for public improvements to ensure that minimum design, materials and construction standards are met or exceeded. This review is for the City's purpose and the review and acceptance of the plans in no way relieves the designer from the requirement to meet Federal, State and local standards.

7.3 INSPECTION

a. GENERAL: The City shall have all construction of public improvements inspected by qualified inspectors. This inspection is to assure that the materials and workmanship meet the City's minimum specifications. The inspection of construction of public improvements by the City does not relieve the owner and contractor from the responsibility and liability to meet the City's minimum standards.

b. INSPECTION PROCEDURES: Inspections procedures shall be as detailed in City of Broken Arrow Administrative Regulations.

c. VIOLATIONS OF STANDARDS: Inspectors shall provide the contractor with a written notice of violations (NOV) of the construction standards. If the contractor fails to correct such violation, or continues to violate the construction standards, the Engineering and Construction Director or his designee shall have the authority to stop work on the project by issuing an order in writing and setting forth the violation therein. Neither the contractor nor the developer shall proceed with the work until 1) the failure or fault cited in the stop order has been corrected and 2) he is notified in writing by the City Manager or his designee, to proceed.

7.4 RELEASE OF MAINTENANCE BOND

Prior to the end of the period covered by the maintenance bond, the Engineering and Construction Department shall make an inspection of the project. The Engineering and Construction Director or his designee shall notify the contractor in writing of all defects that must be corrected and the corrections must be accepted by the City before the contractor may be released from his bond and the City accepts the project for the purpose of future maintenance. Normal wear is not a defect for the purposes of this section.

7.5 DISOBEDIENCE OF ORDERS

Failure to comply with any written order of the City Manager or an authorized representative issued under authority of this ordinance shall constitute a Class "A" offense.

7.6 MEETS OR EXCEEDS STANDARDS

Hereafter, no public improvements shall be accepted for maintenance or for any other purpose by the City of Broken Arrow, Oklahoma, until or unless they are constructed in accordance with these standards and have passed the tests

set forth in the Standard Construction Specifications. The developer or his engineer shall provide as-built drawings within forty-five (45) days after acceptance of the utility. These drawings will be provided in two (2) hard copies and on electronic media compatible with the City CADD system, if the engineer has the capability to provide the electronic media copy. Failure to provide the required as-built drawings will result in suspension of building permits in the development.

7.7 MAINTENANCE BONDS REQUIRED IN ADVANCE

No new streets, storm sewers, or other public improvements shall be accepted by the City of Broken Arrow for purposes of ownership and maintenance until the contractor has furnished a good sufficient maintenance bond or other approved device in favor of the City of Broken Arrow, Oklahoma, as set forth hereafter, provided that no maintenance bond shall be required for sidewalks.

7.8 ACCEPTANCE PROCEDURE

The inspection and acceptance procedure for utilities is detailed in the City's Administrative Regulations which govern the acceptance process.

ARTICLE 8. FEES

8.1 FEES

See Manual of Fees.

ARTICLE 9. SECURITY DEVICES (11 0.S. 45-104C)

9.1 BONDS, ESCROWS OR SECURITY DEVICES

a. "AS BUILTS". The City shall escrow all building permits and applications on the subdivision until such times as the owner supplies "as built" plans upon completion of construction. "As built" plans shall be provided to the City Engineer within forty-five (45) days of the improvements being completed.

b. CONSTRUCTION SECURITY DEVICES. Prior to the release of the conditional final plat of the subdivision, the owner shall provide a corporate surety bond, escrow arrangement, letter of credit or other equivalent security device acceptable to the City Manager or his designee in an amount equal to one hundred percent (100%) of the costs of the construction of all improvements. Such security arrangement shall be subject to the condition that the improvements must be completed within one year, with an option granted to the City to extend the time of performance for one additional year after approval of the final plat. In the event all or any portion of the improvements are not completed, the City may proceed with the work and hold the owner and the company issuing security devices jointly and separately liable for the costs thereof, or pursue such other remedies as may be available. (11 0.S. 45-104C)

c. PERFORMANCE SECURITIES. A performance bond executed by a surety company based upon an estimate or contractor's bid of the costs of construction of the improvements shall be furnished to the City in an amount equal to the costs of construction of such improvements, and providing that the improvements will be completed within one year. An option is granted to the City to extend the time of performance for one additional year after approval of the final plat by written request; provided further that as an alternative, the subdivider may escrow the costs of the improvement with the City, or provide one hundred percent (100%) of other approved equivalent irrevocable security assurances to guarantee performance. Provided further that the City Manager or his designee may agree in writing with the owner to delay the construction of any sidewalk which is adjacent to a street or public project which the City intends to widen, under which agreement the costs of construction must be escrowed with the City. The sidewalk must be constructed within one year of the completion of the street widening project for the effected portion of the street. If the widening project is unduly delayed, the City may require the subdivider to begin the sidewalk construction and may release the escrowed funds in payment of the construction costs. (11 0.S. 45-104C)

d. MAINTENANCE SECURITIES. The owner shall provide a maintenance bond or other approved security devices covering the maintenance of all streets, water, sewer, and storm sewers for a period of one (1) year from the date of the acceptance of these improvements. Such bonds shall be absolute on their face, and not limited as to the cause of the damage or deterioration which must be repaired. The amount of the maintenance bonds on streets, water, sewer, and storm sewers shall be equal to 100 percent to the total costs of construction. Bonds shall be issued by surety companies properly licensed to do business in Oklahoma, and are subject to the approval of the City Attorney. (11 0.S. 45-104C)

e. DELAYED MAINTENANCE SECURITY. In the event an owner completes a public improvement, but the subdivision does not develop sufficiently so the improvement is not being substantially utilized within three (3) years of final acceptance of the improvements: The owner shall be responsible for any reworking of the public improvements made necessary by the delay in the utilization of these improvements. The failure to perform such reworking operations shall be grounds for the immediate suspension of all construction in progress in the subdivision, and shall further be grounds for a moratorium on any future building permits issued in the subdivision until such time as reworking has taken place. For the purpose of this section, substantial utilization shall mean that either: 1) The improvement routinely and regularly receives use at the level of 40 percent of its designed capacity; or 2) that construction has been completed upon 40 percent of the lots within the plat of the subdivision, which structures are actually being utilized for their intended purpose by the owners thereof.

f. EXEMPTIONS. If the cost of the improvement is less than $5,000, the City Manager or his designee may waive the requirement for bonding.

ARTICLE 10. PENALTIES

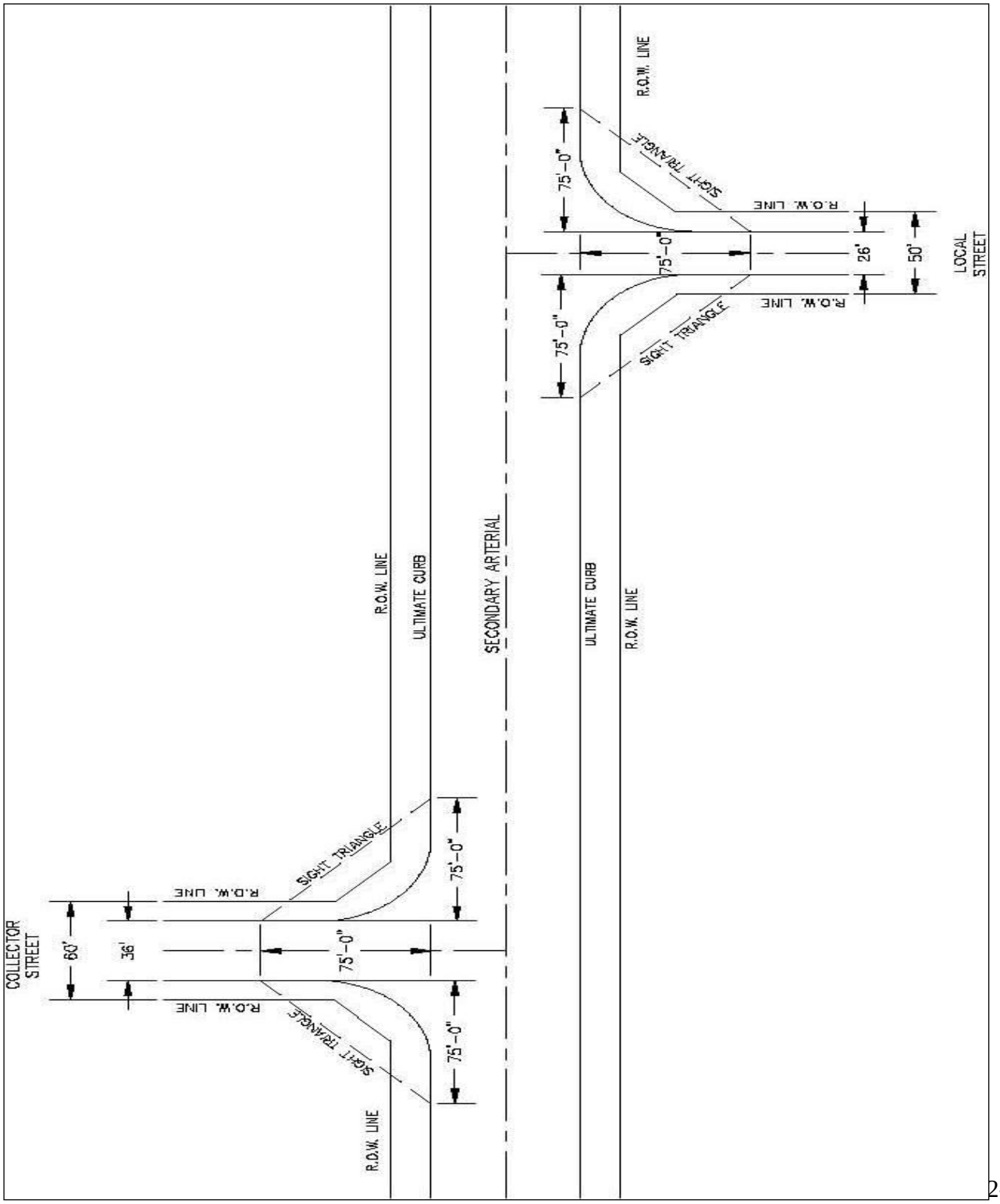
The violation of any of the provisions of this ordinance or any amendments thereto by the owner, the contractor, or any of their employees or persons under their control shall be a Class "B" offense unless otherwise specified. Each day upon which a violation occurs or continues is a separate offense, and each act which in fact violates two (2) or more provisions of this ordinance is a separate offense under each provision violated. (Art. 7, Ok. Const. 1; 11 0.S. 41-111; See also Broken Arrow Land Subdivision Code §9.5)

ARTICLE 11. SEVERABILITY

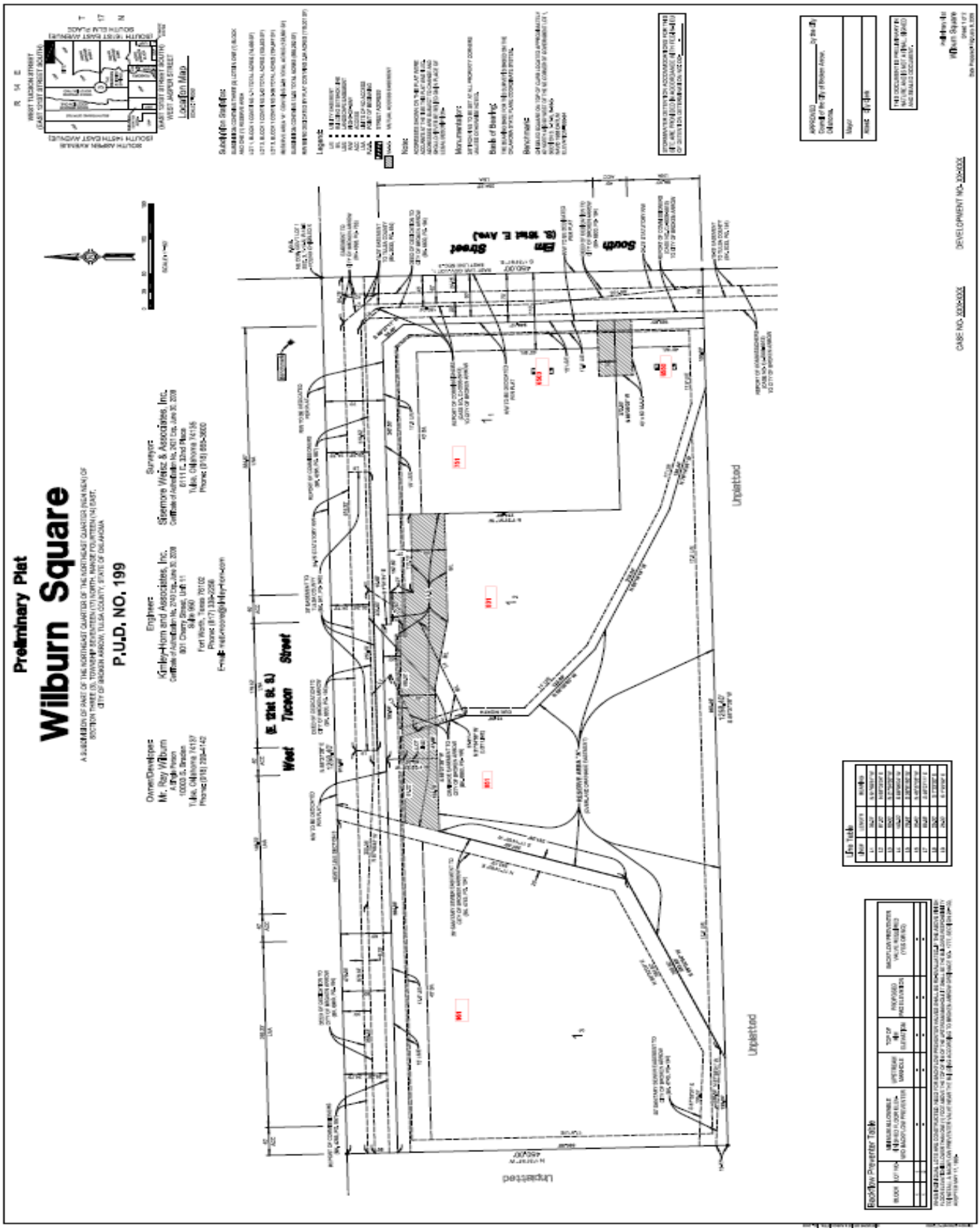
The various provisions of this ordinance are not interdependent. In the event that any provision of this ordinance shall be held to be invalid or unconstitutional, the remainder of the ordinance shall not be affected thereby and shall remain in full force and effect.

ARTICLE 12. ILLUSTRATIONS

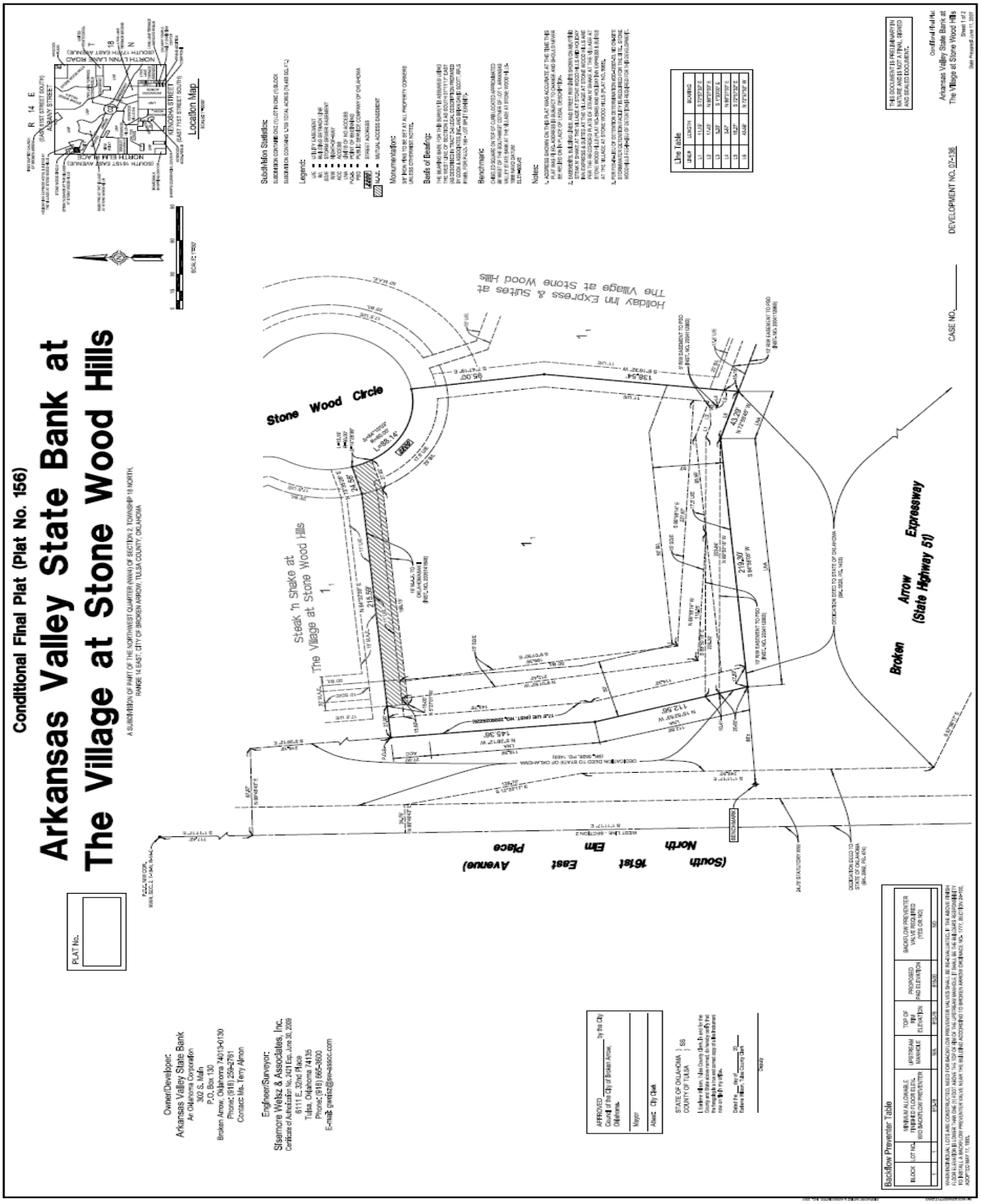
EXAMPLE FIGURE FOR 1.5.ee



EXAMPLE FIGURE FOR 2.3



EXAMPLE FIGURE FOR 3.3.a



EXAMPLE FIGURE FOR 3.3.b.3

SUBDIVISION CONTROL DATA

Reference Name:		Date:
Monument Type:		
City:	County:	State:
Surveyor:	Prepared by:	
Subdivision Name:		

Distances & Directions To Prominent & Reference Marks

Reference Point	Bearing Deg. Min. Sec.	Distance (feet)

Azimuth Mark	Azimuth	Distance

Description of Points:

Firm Name:

Adjusted Horizontal Control Data

Order: FIRST | Survey Method: GPS☐ TRAV☐

Combined Scale Factor:

Site Grid Data	Coordinates (U.S. Survey Feet)	Plane Azimuth Angle (Convergence)
State: OKLAHOMA Zone: NORTH Code: 3501	P.O.B. N E	

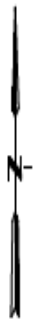
NAD (1983) Grid Data	Coordinates (U.S.Survey Feet)	Plane Azimuth Angle (Convergence)
State: OKLAHOMA Zone: NORTH Code: 3501	REF. POL N E	

NAD (1983) Grid Data	Coordinates (U.S.Survey Feet)	Plane Azimuth Angle (Convergence)
State: OKLAHOMA Zone: NORTH Code: 3501	REF.POL N E	

Metric Conversion Factor:

Geodetic Data	Position NAD83 (1983)		ELEV(FEET)
	Latitude	North	NAVD 1988
	Longitude	West	

Field Sketch:



EXAMPLE FIGURE FOR 3.3c.4

"Addresses shown on this plat are accurate as of the time the plat was filed. Addresses are subject to change and should never be relied on in place of the legal description."

EXAMPLE FIGURE FOR 3.3d.2

CERTIFICATE OF SURVEY

I, (*Surveyor's Name*), A REGISTERED LAND SURVEYOR, IN THE STATE OF OKLAHOMA, DO HEREBY CERTIFY THAT I HAVE CAREFULLY AND ACCURATELY SURVEYED, SUBDIVIDED, AND PLATTED THE TRACT OF LAND DESCRIBED ABOVE, AND THAT THE ACCOMPANYING PLAT DESIGNATED HEREIN AS "*Name of Plat*", A SUBDIVISION IN THE CITY OF BROKEN ARROW, TULSA (*Wagoner*) COUNTY, STATE OF OKLAHOMA, IS A TRUE REPRESENTATION OF THE SURVEY MADE ON THE GROUND USING GENERALLY ACCEPTED PRACTICES AND MEETS OR EXCEEDS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING.

EXECUTED THIS _____DAY OF _____, 20___.

_____
(*Surveyor's Name*)
LICENSED LAND SURVEYOR
OKLAHOMA NO. (*License Number*)

STATE OF OKLAHOMA)
) SS
COUNTY OF _____)

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS _____ DAY OF _____, 20___, PERSONALLY APPEARED (*Name*), TO ME KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED HIS NAME AS REGISTERED LAND SURVEYOR TO THE FOREGOING CERTIFICATE AS HIS FREE AND VOLUNTARY ACT AND DEED FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.

_____
NOTARY PUBLIC
MY COMMISSION EXPIRES: (SEAL)

EXAMPLE FIGURE FOR 3.3d.3

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

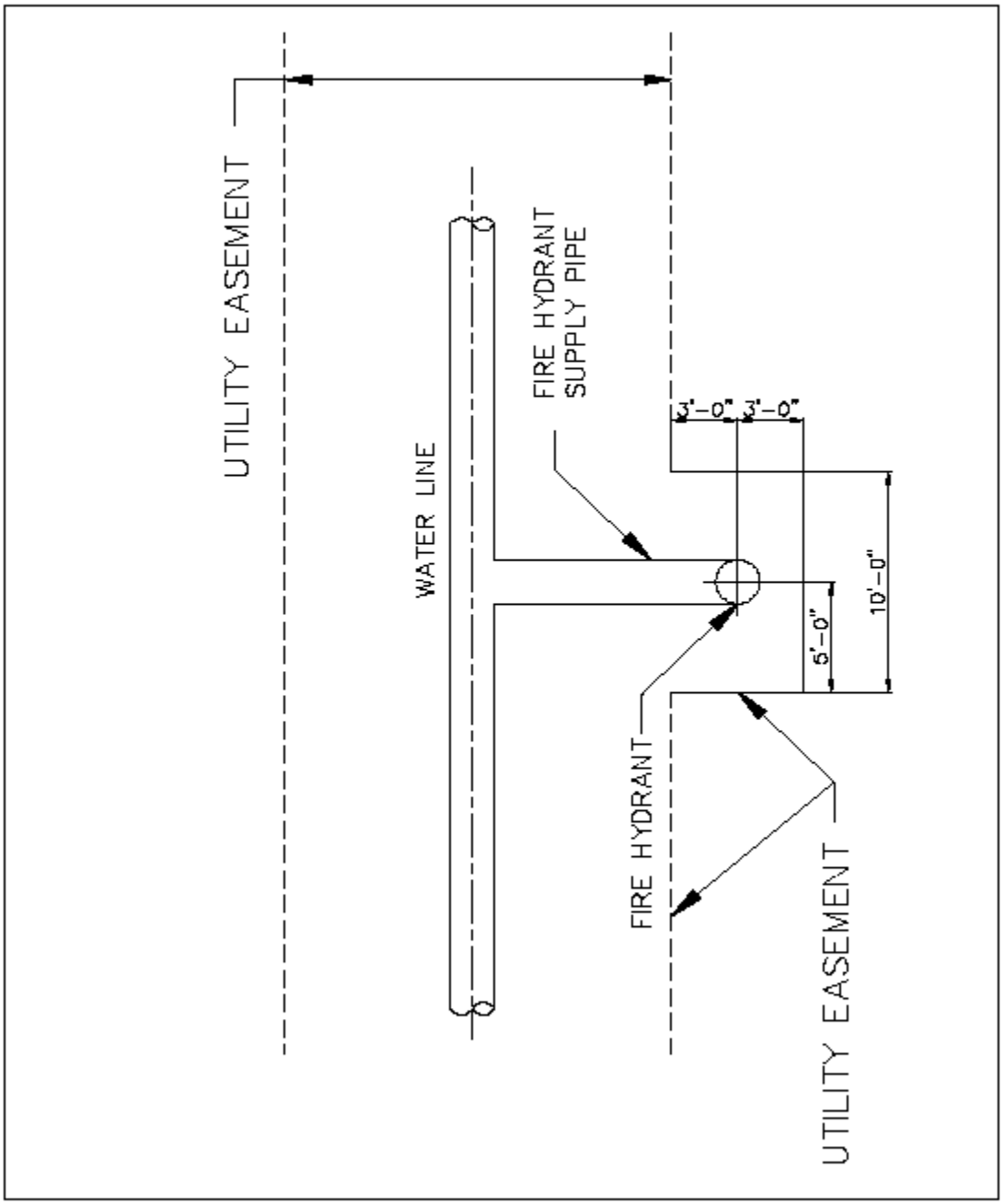
THAT (*Name of Plat*) AND (*Owner's Name*), HEREINAFTER COLLECTIVELY REFERRED TO AS THE "OWNER/DEVELOPER", ARE THE OWNERS OF THE FOLLOWING DESCRIBED REAL ESTATE SITUATED IN THE CITY OF BROKEN ARROW, (*Tulsa or Wagoner*) COUNTY, STATE OF OKLAHOMA, TO-WIT:

(*Insert Legal Description Here*)

THE OWNER/DEVELOPER HAS CAUSED THE ABOVE DESCRIBED LANDS TO BE SURVEYED, STAKED, PLATTED AND SUBDIVIDED INTO LOT(s) AND BLOCK(s), IN CONFORMITY WITH THE ACCOMPANYING PLAT, AND HAS DESIGNATED THE SUBDIVISION AS "*Name of Plat*", A SUBDIVISION IN THE CITY OF BROKEN ARROW, (*Tulsa or Wagoner*) COUNTY, OKLAHOMA.

THE OWNER/DEVELOPER DOES HEREBY DEDICATE FOR PUBLIC USE THE UTILITY EASEMENTS AS DEPICTED ON THE ACCOMPANYING PLAT AS "U/E" OR "UTILITY EASEMENT", FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REMOVING ANY AND ALL PUBLIC UTILITIES, INCLUDING STORM SEWERS, SANITARY SEWERS, TELEPHONE AND COMMUNICATION LINES, ELECTRIC POWER LINES AND TRANSFORMERS, GAS LINES, WATER LINES AND CABLE TELEVISION LINES, TOGETHER WITH ALL FITTINGS, INCLUDING THE POLES, WIRES, CONDUITS, PIPES, VALVES, METERS AND EQUIPMENT FOR EACH OF SUCH FACILITIES AND ANY OTHER APPURTENANCES THERETO, WITH THE RIGHTS OF INGRESS AND EGRESS TO AND UPON THE UTILITY EASEMENTS FOR THE USES AND PURPOSES AFORESAID, PROVIDED HOWEVER, THE OWNER/DEVELOPER HEREBY RESERVES THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, LAY AND RE-LAY WATER LINES AND SEWER LINES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH CONSTRUCTION, MAINTENANCE, OPERATION, LAYING AND RE-LAYING OVER, ACROSS AND ALONG ALL OF THE UTILITY EASEMENTS DEPICTED ON THE PLAT, FOR THE PURPOSE OF FURNISHING WATER AND/OR SEWER SERVICES TO THE AREA INCLUDED IN THE PLAT. THE OWNER/DEVELOPER HEREIN IMPOSES A RESTRICTIVE COVENANT, WHICH COVENANT SHALL BE BINDING ON EACH LOT OWNER AND SHALL BE ENFORCEABLE BY THE CITY OF BROKEN ARROW, OKLAHOMA, AND BY THE SUPPLIER OF ANY AFFECTED UTILITY SERVICE, THAT WITHIN THE UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT NO BUILDING, STRUCTURE OR OTHER ABOVE OR BELOW GROUND OBSTRUCTION SHALL BE PLACED, ERECTED, INSTALLED OR MAINTAINED, PROVIDED HOWEVER, NOTHING HEREIN SHALL BE DEEMED TO PROHIBIT DRIVES, PARKING AREAS, CURBING AND LANDSCAPING THAT DO NOT CONSTITUTE AN OBSTRUCTION.

EXAMPLE FIGURE FOR 4.3.j



EXAMPLE FIGURE FOR 6.2.h

ILLUMINATION
Requirements for Average Maintained Horizontal Illumination

Roadway and Walkway Classification	Commercial Foot-candle	Lux	Intermediate Foot-candle	Lux	Residential Foot-candle	Lux
Vehicular Roadways:						
Highway	0.6	6	0.6	6	0.6	6
Artery	2.0	22	1.4	15	1.0	11
Collector	1.2	13	0.9	10	0.6	6
Minor	0.9	10	0.6	6	0.4	4
Alleys	0.6	6	0.4	4	0.2	2
Pedestrian Walkways:						
Sidewalks	0.9	20	0.6	6	0.2	2
Pedestrian Ways/Trails	2.0	22	1.0	11	0.5	5

*Note: The recommended illumination values shown are meaningful only when designed in conjunction with other elements.
The most critical elements as described in this practice are as follows:

(1) Illumination Depreciation
(2) Quality
(3) Uniformity
(4) Luminary Mounting Heights
(5) Spacing
(6) Transverse Location of Luminaries
(7) Luminary Selection
(8) Traffic Conflict Areas
(9) Border Areas
(10) Transition Lighting
(11) Alleys
(12) Roadway Lighting Layouts

SECTION II. Any ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

SECTION III. An emergency exists for the preservation of the public health, peace and safety and therefore this Ordinance shall become effective on September 7, 2010.

PASSED AND APPROVED this 7th day of September, 2010

_____
MAYOR

ATTEST:

_____
(Seal) CITY CLERK

APPROVED:

_____
CITY ATTORNEY

AMENDMENTS TO ORDINANCE NO. 3121

ORDINANCE	DATE	SECTION NO.	PAGE NO.	SUBJECT
No. 3169	8-16-11	4.1W	4.3	Street ROW widths Governed by Engrg Design Manual
No. 3219	12-18-12	4.1 & 6.3	4.1 & 6.3	Entrance & exit lanes 20’ wide
No. 3335	03-17-05			