

THE VILLAGE CITY CODE

CHAPTER 25

SUBDIVISION REGULATIONS

Art. I. Subdivisions, §§ 25-1 -- 25-30

Div. 1. In General, §§ 25-1 -- 25-6

Div. 2. Plat Preparation & Approval §§ 25-7 -- 25-10

Div. 3. Design & Improvements §§ 25-11 -- 25-30 (J)

ARTICLE 1 SUBDIVISIONS

DIVISION 1. IN GENERAL

Sec. 25-1. Purpose.

(a) The subdivision of land is the first step in the process of urban development. The arrangement of land parcels in the community for residential and commercial uses and for streets, alleys, schools, parks, and other public purposes, will determine, to a large degree, the conditions of health, safety, economy, and amenity that prevail in the urban area. The quality of these conditions is of public interest. Those regulations and standards for the subdivision and improvement of land for urban use are to make provision for adequate light, air, open spaces, drainage, transportation, public utilities, and other needs, to insure the development and maintenance of a healthy, attractive, and efficient community that provides for the conservation and protection of its human and natural resources.

(b) This article is designed, intended, and should be administered in a manner to fulfill the following:

(1) Provide neighborhood conservation and prevent the development of slums and blight,

(2) Harmoniously relate the development of the various tracts of and to the existing community and facilitate the future development of adjoining tracts,

(3) Provide that the cost of improvements, which primarily benefit the tract of land being developed, be borne by the owners or developers of the tract.

(4) Provide the best possible design for the tract

(5) Reconcile any differences of interest; and

(6) Establish adequate and accurate records of land subdivision.

Sec. 25-2. Jurisdiction.

This article shall apply to all subdivisions of land within the corporate limits of the City of The Village. No building permit or certificate of occupancy shall be issued for any parcel or plat of land, which is not in conformity with the provisions of this article.

Sec. 25-3. Definitions.

For the purpose of this article, certain terms used herein are defined as follows:

Alley: A minor right-of-way, dedicated to public use, which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street, which may be used for public utility purposes.

Block: A parcel of land, intended to be used for urban purposes, which is entirely surrounded by public streets, highways, public walks, parks or green strips, undeveloped land or drainage channels or a combination thereof.

Building line or setback line: A line designating area outside of which buildings may not be erected.

Corner lot: A lot located at the intersection of and abutting on two (2) or more streets.

Cul-de-sac or cul-de-sac street: A minor street having one end open to vehicular traffic and having one end terminated by a turnaround.

Double frontage lot: A lot, which runs through a block from street to street and which abuts two (2) or more streets.

Easement: A grant by the property owner to the public, a corporation, or persons, of the use of a strip of land for specific purposes.

Final plat: A map of land subdivisions prepared in a form suitable for the filing of record with necessary affidavits, dedications, and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets, alleys, public areas, and other dimensions of land.

Frontage street or service street: A minor street auxiliary to and located on the side of major street for service to abutting properties and adjacent areas and for control of access.

Homebuilder: Any person that engages in the construction of dwellings within the subdivision.

THE VILLAGE CITY CODE

Lot: A subdivision or block or other parcel intended as a unit for the transfer of ownership and development.

Major street: A major street, which is designated as a principal or minor arterial on the major street plan.

Principal arterial: This system of streets should serve the major centers of activity, the highest traffic volume corridors, the longest trip desires, and the major portion of all travel. For this class of facilities, the concept of service to abutting land should be subordinate to the provision of travel service to major traffic movements and any such service should be purely incidental to its primary functional responsibility.

Minor arterial street system: The minor arterial street system should interconnect with, augment the principal arterial system, and provide service to trips of moderate length at a somewhat lower level of travel mobility than the higher system. This system also distributes travel to geographic areas smaller than those identified with the higher system, and it places more emphasis on land accessibility.

Minor street: Any street not classified as a major street on the major street plan.

Collector street system: The collector street system provides both land access service and traffic circulation within residential neighborhoods and commercial areas. It differs from the major system in that facilities on the collector system may penetrate residential neighborhoods, distributing trips from the major streets through the area to the ultimate destination. The collector street also collects traffic from local streets in residential neighborhoods and channels into the major street system.

Local street system: The local street system comprises all facilities not on one of the higher systems. It serves primarily to provide direct access to abutting land and access to the major and collector systems. It offers the lowest level of mobility and service to through traffic movement is deliberately discouraged.

Occupancy permit: A permit from the building inspector to the homebuilder, homeowner or businessman for the homeowner or business to occupy a residential or commercial building in a subdivision.

Planned unit development: A development in areas zoned for Planned Unit developments planned in accordance with the provisions of Article IV, Division 2 of Chapter 24 of The Village City Code.

Preliminary plat: A map of proposed land subdivisions showing the character and proposed lay out of the tract in sufficient detail to indicate the suitability of the proposed subdivision of land.

THE VILLAGE CITY CODE

Split lot: A subordinate and integral part of any lot and which plot or parcel of land is not capable of supporting or having a building constructed upon it.

Street: Any public or private right-of-way, which affords the primary means of access to abutting property.

Subdivider or developer: Any person subdividing or proposing to subdivide land as herein defined.

Subdivision: Any division and/or development of land into two (2) or more lots, parcels, tracts or areas, or any division of land involving the vacation or dedication of right-of-way or alignment of an existing or proposed street or highway or any public utility easement, or the re-subdivision of land heretofore divided into lots, sites, or parcels.

Sec. 25-4. Variation and exception.

Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these regulations would result in substantial hardship the Planning Commission may vary or modify, except as otherwise indicated, such requirements of design, but not of procedure or improvements, so that the Subdivider may develop his property in a reasonable manner, but so, at the same time, the public welfare and interests of the City are protected and the regulations are preserved. Such modifications may be granted upon written request of the Subdivider stating the reason for each modification and may be waived by three-fourths vote of the regular membership of the Planning Commission.

Sec. 25-5. Administration and amendments.

The City Council may, from time to time, adopt, amend, or make public rules and regulations for the administration of this article to the end that the public be informed, and that approval of plats be expedited.

Sec. 25-6. Violation penalty.

(a) No building permit shall be issued for any new structure or change, improvement, or alteration of any existing structure on any tract of land, which does not comply, with all of the provisions of this article.

(b) The City hereby defines its policy to be that the City will withhold all public improvements of whatever nature, including the maintenance of streets and the furnishing of sewerage facilities and water service from all subdivisions and/or lot splits

THE VILLAGE CITY CODE

which have not been approved according to the provisions contained in this article and from all areas dedicated to the public which have not been accepted by the City in the manner prescribed therein.

(c) Any violation of this article shall be deemed to be punishable by a fine. Any person who violates or refuses to comply with any of the provisions of this article shall be guilty of a Class A Offense punishable by a fine of up to Seven Hundred and Fifty (\$750.00) Dollars and sixty (60) days imprisonment or both such fine and imprisonment.

DIVISION 2. PLAT PREPARATION AND APPROVAL PROCEDURES

Sec. 25-7. In general.

(a) For all cases of subdividing within the scope of these regulations as provided by this article, a plat of the property in question shall be prepared and submitted to the Planning Commission and City Council for their approval or disapproval, as provided below:

(1) No plat or other land subdivision instrument shall be filed with the office of the County Clerk until it shall have been approved by the Planning Commission and the City Council as hereinafter set forth. All final plats shall be filed within two (2) years of the day of approval by the City Council, and no lots shall be sold from any plat until recorded. Failure to record the plat within two (2) years of the date of approval by the City Council shall void all approvals thereto, unless extended by the Planning Commission and City Council upon application prior to the expiration date.

(2) Each plat submitted for preliminary or final approval shall be placed on the agenda of the Planning Commission only after fulfilling the appropriate requirements of these regulations. However, a plat not meeting all of the requirements may be submitted provided the Subdivider presents with the plat a written request for specific exceptions and enumerates in detail the reasons, therefore.

(3) To defray partially the costs of administrative procedures, there shall be paid to the City Clerk, at the time of submission of the preliminary plat, a fee in an amount set by Resolution of the City Council.

Sec. 25-8. Pre-application plans and data.

Not less than fourteen (14) days prior to the filing of an application for approval of a preliminary plat, the Subdivider shall submit to the City Clerk the following information:

(1) A general description of the existing conditions of the site and the suitability of the site for the proposed development. This information may include data on

THE VILLAGE CITY CODE

existing covenants and agreements, the availability of utilities and community facilities, the proposed use of each portion of the subdivision, proposed lot sizes and building sizes, proposed business areas, playground, park sites and other pertinent data as may be needed to supplement the sketches required in (2) and (3) below.

(2) A general location map shall be submitted and shall show the proposed subdivision and its relationship to existing utilities, schools, parks, traffic arteries and other features that will affect and influence the subdivision such as schools, churches, and shopping and employment centers.

(3) A sketch plan drawn to approximate scale shall be submitted and shall show topography, using a contour interval of not greater than five (5) feet, the proposed street layout, lots, and other planning features. The street and lot plan may be in the form of a free hand pencil sketch.

Sec. 25-9. The preliminary plat.

(a) The Subdivider shall prepare a preliminary plat for submission to the Planning Commission. Four (4) copies of the preliminary plat shall be submitted to the City Clerk not less than fourteen (14) days prior to the meeting at which it is to be considered.

(b) The preliminary plat shall be accompanied by a statement signed by the registered engineer preparing the plat that he is familiar with the contents of the preliminary plat and that the preliminary plat has been prepared in accordance with the Ordinances and regulations governing the subdivision of land, except where an exception is requested in writing and the reasons for which are clearly stated.

(c) The preliminary plat shall be drawn at a scale of one hundred (100) feet to one (1) inch and shall contain or be accompanied by the following information:

(1) The scale, north point, and date.

(2) The proposed name of the subdivision.

(3) The name and address of the owner of record, the Subdivider and the name of the registered engineer preparing the plat.

(4) A key map showing the location of the proposed subdivision referenced to existing or proposed major streets and to government section lines and including the boundaries and number of acres of the drainage area of which the proposed subdivision is a part.

THE VILLAGE CITY CODE

(5) The names, with location of intersecting boundary lines, of adjoining subdivisions, and the location of City limits if falling within or immediately adjoining the tract.

(6) The land contours with vertical intervals not greater than two (2) feet referenced to a United States Geological Survey or Coast and Geodetic Survey Benchmark or monument.

(7) The location of existing buildings, water, watercourses, and the location of dedicated streets at the point where they adjoin and/or are immediately adjacent to the subdivision, provided however that actual measured distances shall not be required.

(8) The length of boundaries of the tract, measured to the nearest foot, and the proposed location and width of streets, alleys, and easements and setback lines and the approximate lot dimensions.

(9) The location, size and type of sanitary and storm sewers, water mains, culverts, power and natural gas lines and other surface and subsurface structures and pipelines existing within or immediately adjacent to the proposed subdivision and the location, layout, type and proposed size of the following structures and utilities:

a. Water mains.

b. Sanitary sewer mains, sub mains and laterals.

c. Storm sewers, culverts, and drainage structures.

d. Street improvements.

(10) The location of all drainage channels and subsurface drainage structures, and the proposed method of disposing of all runoffs from the proposed subdivision, and the location and size of all drainage easements relating thereto, whether they are located within or outside of the proposed plat.

(11) The classification of every street within or adjacent to the subdivision in accordance with the intended use of the street based on the proposed design. This shall be done by placing the appropriate term, primary thoroughfare, secondary thoroughfare, collector street, or minor street in parentheses, directly on each street.

(12) The following items associated with oil or gas drilling or producing operations and existing within or immediately adjacent to the proposed subdivision:

a. Scale drawing of the drilling site, showing dimensions.

THE VILLAGE CITY CODE

- b. Location of all existing physical facilities, to include existing wells, structures, tank batteries, and oil, gas or water lines utilized.*
- c. Location and dimension of all existing vehicular entrances, exits and drives.*
- d. Location and size of all existing mud pits.*

(d) The Planning Commission shall approve, approve conditionally, or disapprove the plat within sixty (60) days of the date of its submission by the applicant. If the preliminary plat is disapproved or approved conditionally, the reasons for such action shall be stated in writing, a copy of which shall be signed by the Planning Commission chairman and shall be attached to one copy of the plat and transmitted to the Subdivider. The reasons for disapproval or conditional approval shall refer specifically to regulations or Ordinances with which the plat does not conform. On conditionally approving a plat, the Planning Commission may require submission of a revised preliminary plat. If the plat conforms to all of the standards, or after the applicant and the Planning Commission agree upon any revision which shall be filed with the Planning Commission on a revised copy, the Subdivider may proceed with the laying out of streets and roads, the preparation of utility plans and with the preparation of a final plat.

Sec. 25-10. The final plat.

(a) A final plat, neatly drawn in ink on Mylar and three (3) dark-line prints thereof shall be submitted to the City Clerk not less than fourteen (14) days before the Planning Commission meeting at which it is to be considered for final approval. At the same time, there shall be submitted to the City Engineer two (2) sets of the proposed plans and specifications for all improvements and the proposed restrictions in final form provided, however, the final plat may be approved subject to later submission of final improvement plans and specifications.

(b) The final plat of the proposed subdivision shall be submitted to the Planning Commission and City Council for final approval within one year of the date on which the preliminary plan was approved. If not submitted for final approval within such time, the preliminary plan shall be considered as having been disapproved unless the Planning Commission agrees to an extension of time. The final plat shall be filed in the office of the County Clerk within two (2) years after approval by the City Council and, if not filed within such time, said approval shall be considered as having been voided, unless extended by the City Council upon application prior to expiration date.

(c) The final plat shall be drawn at a scale of one hundred (100) feet to the inch from an accurate survey and on sheets whose dimensions are twenty-one (21) inches by thirty-three and one-half (33 1/2) inches between border lines. On the first sheet of every plat, there shall be a key map showing the location of the subdivision referenced

THE VILLAGE CITY CODE

to government survey section lines and major streets. If more than two sheets are required for the plat, the key map shall show the number of the sheet for each area. A border of one-half inch surrounding the sheet shall be left blank at the top, bottom, and right-hand side, and a margin of two (2) inches at the left side for binding purposes.

(d) The final plat shall show the following:

(1) The location and description of all section corners and permanent inequity, survey monuments in or near the tract, to at least one of which the subdivision shall be referenced.

(2) The length of all required lines dimensioned in feet and decimals thereof, and the value of all required true bearings and angles dimensioned in degrees and minutes, as hereafter specified.

(3) The boundary lines of the land being subdivided fully dimensioned by lengths and bearings and the location of boundary lines of adjoining lands, with adjacent subdivisions identified by official names.

(4) The lines of all proposed streets fully dimensioned by lengths and bearings or angles.

(5) The lines of all proposed alleys. Where the length and/or direction of an alley are not readily discernible from data given for lot and block lines, the length and/or bearings shall be given.

(6) The widths, and names where appropriate, of all proposed streets, alleys and easements which shall be properly located.

(7) The lines of all proposed lots fully dimensioned by lengths and bearings or angles, except where a lot line meets a street line at right angles, the angle or bearing angle value may be omitted.

(8) The outline of any property, which is offered for dedication to public use fully dimensioned by lengths and bearings, with area, marked "public".

(9) The blocks numbered consecutively throughout the entire subdivision and the lots numbered consecutively throughout each block, with areas to be excluded from platting marked "Reserved" or "Not a Part".

(10) The location of all building lines, setback lines, and easements for public services or utilities with dimensions showing their location.

THE VILLAGE CITY CODE

(11) The location of all easements for drainage with dimensions showing their location.

(12) The grades of all streets.

(13) The radii, area, points of tangency, points of intersection, and central angles for curvilinear streets and radii for all property returns.

(14) The proper acknowledgments of owners and the consent by the Mortgagee to plat restrictions.

(15) The following, which shall be made and shown on the cloth tracing:

- a. Owner's certificate and dedication, signed.*
- b. A registered surveyor, signed, and his seal.*
- c. Certificate for release of mortgage for any portion dedicated to the public.*
- d. Reference to any separate instruments, including restrictive covenants, filed in the office of the County Clerk, which directly affect the land being subdivided.*
- e. Certificates of Planning Commission approval.*
- f. Certificates of City Council acceptance of ways, easements, and public land dedications.*
- g. A certificate by the County Treasurer.*

(16) A title, which shall include:

- a. Name of the subdivision.*
- b. Name of City, county, and state.*
- c. Location and description of the subdivision referenced to section, range, and township.*
- d. The Planning Commission shall act upon the final plat within forty-five (45) days after it has been submitted for final approval. The approval and date thereof shall be shown on the plat over the signature of the Planning Commission chairman.*

THE VILLAGE CITY CODE

(f) If the final plat is disapproved, grounds for this refusal shall be stated in writing, a copy of which shall be transmitted with the tracing and prints to the applicant. The reasons for disapproval shall refer specifically to those parts of regulations and/or Ordinances with which the plat does not comply.

(g) Before recording the final plat, it shall be submitted to the City Council for approval and for acceptance of the public ways and service and utility easements and land dedicated to public use. This approval of the plat shall be shown over the signature of the mayor and attested to by the City Clerk. The disapproval of any plat or plan by the City Council shall be deemed a refusal of the proposed dedication shown thereon.

(h) After final approval of the plat and the affixing of all required signatures on the original tracing, the Subdivider shall provide the City with three dark prints thereof, and one contact reproducible Mylar, said copies to be filed with the City Clerk. The applicant shall file the original one dark line print on cloth, and on contact reproducible Mylar or film in the office of the County Clerk.

DIVISION 3. DESIGN & IMPROVEMENTS

Sec. 25-11. Urban design principles.

The quality of design of the urban area is dependent on the quality of design of the individual subdivisions that compose it. Good community design requires the coordination of the effort of each Subdivider and developer of land within the urban area therefore, the design of each subdivision shall be prepared in accordance with the following general principles:

(a) It is intended that the urban area shall be designed as a group of integrated residential neighborhoods and appropriate commercial and public facilities. The neighborhood, as a planned unit, is intended as an area principally for residential use. Space for, recreational, educational, and shopping facilities to serve the residents of the neighborhood should be provided and designed as an integral part of each neighborhood.

(b) The size of the blocks and other areas for residential, commercial, and public uses should be designed to provide adequate light, air, open space, landscaping, of lots and blocks and the street system should be designed to make the most advantageous use of topography and natural physical features. Tree masses and large individual trees should be preserved. The system of sidewalks and roadways and the lot layout should be designed to take advantage of the visual qualities of the area.

(c) Circulation within the urban area shall be provided in accordance with the following design criteria:

THE VILLAGE CITY CODE

(1) Each subdivision shall provide for the continuation of all arterial streets and highways as shown on the major street plan as and when adopted. Arterial streets should be located on the perimeter of the residential neighborhood.

(2) Minor streets should be designed to provide access to each parcel of land within the residential neighborhood and within commercial areas, and in a manner that will discourage use by through traffic. They should be planned so that future urban expansion will not require the conversion of residential streets to collector or arterial routes.

(3) Collector streets should be designed to provide a direct route from other minor streets to the major street system, and all collector streets must connect on at least one end to an existing or planned collector or higher-level street.

(4) Ingress and egress to residential properties should be provided only on minor streets.

(5) Subdivisions shall provide direct vehicular access from residential streets to at least one collector street for every 75 residential units within the subdivision.

(d) Minimum standards for development are contained in the zoning Ordinance, the building Code and in these regulations.

(e) The planned unit development standards and process found in the zoning Ordinance is an appropriate design base for future subdivisions under condominium, common sharing, or one ownership.

Sec. 25-12. Improvements in general.

All improvements shall be designed and installed in accordance with all of the minimum standards established by Ordinances and regulations relating thereto.

Sec. 25-13. Plan preparation.

Plans for the improvement herein required shall be prepared by a professional engineer registered in the state. Two (2) sets of prints of the proposed plans and specifications for all improvements shall be filed with the City Engineer at the time of submission of the final plat.

Sec. 25-14. Blocks.

(a) The lengths, width and shapes of blocks shall be determined with due regard for the following:

THE VILLAGE CITY CODE

(1) Provision of adequate building sites suitable to the special needs of the type of use contemplated.

(2) Zoning requirements as to lot sizes and dimensions.

(3) Needs for convenient access, circulation, control, and safety of street traffic.

(4) Limitations and opportunities of topography.

(b) Blocks for residential use shall not be longer than eighteen hundred (1800) feet, measured along the centerline of the block. When a block exceeds six hundred (600) feet in length, the City Council may require a dedicated six (6) feet crosswalk easement and not less than a four (4) feet crosswalk to provide an access through the block.

(c) Blocks used for residential purposes should be of sufficient width to allow for two (2) tiers of lots of appropriate depth. Blocks intended for business use should be of a width suitable for the intended use, with due allowance for off-street parking and loading facilities.

(d) Blocks are not required for Planned Unit Developments to be developed pursuant to the Unit Ownership Estate Act.

Sec. 25-15. Lots.

a) Side lot lines should be approximately at right angles or radial to the street lines except for minor deviations on cul-de-sac or curvilinear streets.

b) Lots are not required for subdivisions for commercial use, or Planned Unit Developments that are being developed pursuant to the Unit Ownership Estate Act, but, when provided, should be of appropriate size and arrangements to provide for adequate off-street parking and loading facilities based on the intended use.

c) Access to all buildings in any subdivision must be from an approved street.

d) All corner lots or building locations shall have a sight triangle with legs of twenty-five (25) feet along each lot line or street right-of-way line from the point of intersection.

e) All lots shall have two separate directions of access, except cul-de-sac streets.

THE VILLAGE CITY CODE

- f) Drainage shall be away from all buildings and shall be in accordance with the general drainage for the location.
- g) Double frontage and reverse frontage lots should be avoided except where they are needed to provide for the separation of residential development from the traffic arteries or to overcome specific disadvantages of topography and provided along the portion of the lots abutting such a traffic artery or other use where screening is required.
- h) Foundations in fill areas shall be designed to adequately support any proposed structure.
- i) Permanent markers shall be placed on all lot corners and change in alignment (PC and PT curves). Permanent benchmarks shall be set at locations to effectively serve the subdivision. The elevation on such benchmarks shall be based on U.S.C. & G.S. data. Markers shall be either iron pipes or pins, which are not less than one-half inch in diameter and twenty-four (24) inches long. All such markers shall be placed at least one inch below finished grade.
- j) When an area within an existing platted subdivision is re-platted and subdivided into new lots, the new lots shall be at least forty-five (45%) of the average lot size of all lots within one hundred feet (100') of the area to be replatted.
- k) Lots fronting on a curve, or a cul-de-sac shall have an average lot width of forty-five (45') feet and shall have at least thirty (30') feet of frontage on an approved public street.

Sec. 25-16. Building lines.

Building lines shall be provided in all residential subdivisions as follows:

- (1) A front building line shall be located not less than twenty (20) feet back of the street right-of-way line.
- (2) Side yard building line on corner lots:
 - (a) Corner lots back-to-back: A side yard building line on a corner lot abutting the street shall be located not less than fifteen (15) feet back of the street right-of-way when such lot is back-to-back with another lot.

THE VILLAGE CITY CODE

(b) Corner lots back to side: On corner lots where two corner lots are situated back to side, the side yard building line on the side of a corner lot abutting the street shall be located not less than twenty-five (25) feet back of the street right-of-way.

(c) Corner lots side to side: On corner lots where two corner lots are situated side to side, the side yard building line on the side of a corner lot abutting the street shall be located not less than twenty-five (25) feet back of the street right-of-way.

(3) Restrictions requiring buildings to be located within the building lines shown on the plat shall be set forth on the plat or on a separate recorded instrument.

(4) Building lines are not required for Planned Unit Developments.

Sec. 25-17. Easements.

(a) Where alleys are not provided, easements not less than fifteen (15) feet wide shall be provided for use by public and private utilities along rear lot lines, and along side lot lines where necessary. All lots shall border on a utility easement. In Planned Unit Developments being developed pursuant to the Unit Ownership Estate Act, a utility easement shall be provided at the rear of each structure and along the side of each structure when necessary.

(b) Easements shall be maintained free of buildings or other permanent structures, except for fences located on or near the side or rear property line. Any fence so constructed shall not constitute an abandonment by the easement owner or operate to extinguish the easement. The City Council may require area easements and easements of greater width for the extension of main storm and sanitary sewers and other utilities where deemed necessary.

(c) The Subdivider or developer shall file a utility easement which shall release or hold harmless a public utility, or private contractor representing a public utility, from any damages resulting from the removal of any fence or screening located on the utility easement, in order to gain access for the purpose of installation, removal, extension or repair of utility lines and equipment.

(d) The final grade across any utility easement shall not exceed a slope of fourteen (14) degrees (25% gradient) except where unusual topographic conditions justify, in the opinion of the City Council, a modification of this standard. Slopes less than the maximum may be required at specific locations by an individual utility for certain surface structures or equipment.

(e) Where a subdivision is traversed by a watercourse, drainage channel or stream, which drains one-hundred sixty (160) acres, or more of land, there shall be provided a right-of-way for drainage and public utility purposes, adequate to contain all

of the runoff from a 50-year maximum flood. The right-of-way shall include all of the land within the subdivision that has an elevation below the fifty (50) year maximum flood elevation as calculated by the City Engineer.

Sec. 25-18. Streets.

The arrangement, character, extent, width, design, grade, and location of all streets shall be designed in accordance with the following provisions:

(1) Major streets, principal, and minor arterials shall be planned to conform to the major street plan.

(2) Minor streets shall be laid out so that their use by through traffic will be discouraged.

(3) Where the plat to be submitted includes only part of the tract owned or intended for development by the Subdivider, a tentative plan of proposed future street system for the un-subdivided portion shall be prepared and submitted by the Subdivider.

(4) When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and openings of future streets and appropriate re-subdivision, with provision for adequate utility easements and connections for such re-subdivision.

(5) Street jogs and centerline offsets of less than one hundred and twenty-five (125) feet should be avoided.

(6) Streets shall intersect at approximately right angles.

(7) Street classification, right-of-way, and paving widths shall be in accordance with the following standards:

(a) Major streets (12,500+ average daily traffic): Principal Arterial, one hundred (100) feet right-of-way with a paving width of at least 48 feet to face of curb. Boulevard with median, eighty (80) feet of right-of-way with a paving width of at least 24 feet to face of curb on each side of the median.

(b) Minor streets:

(1) Collector streets (800+ average daily traffic)—sixty (60) feet of right-of-way with a paving width of thirty-two (32) feet to face of curb.

(2) Residential streets (less than 800 average daily traffic):

THE VILLAGE CITY CODE

(i) Dedicated to the public—fifty (50) feet of right-of-way with a paving width of twenty-six (26) feet to face of curb.

(ii) Private—forty (40) feet of right-of-way with a paving width of twenty-six (26) feet to face of curb.

(iii) Cul-de-sac streets and short loops may have a paving width of less than twenty-six feet provided they are of limited length and have only one access point; however, in no case shall the paving width be less than twenty-four (24) feet.

(8) Maximum street grade shall be six (6%) percent. Minimum street grade shall be four tenths (0.4%) percent.

(9) Dead end streets shall have a maximum length of five hundred (500) feet ending in a cul-de-sac with a paving radius of forty (40) feet. There shall be no obstruction within a fifty (50) foot radius. This subsection shall not apply to Planned Unit Developments.

(10) Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with other requirements of these regulations and provided that the City Council finds it will be practical to obtain the dedication of the other half of the street easement 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 such tract.

(11) The arrangement of streets shall be such as to cause no hardship in the subdividing of adjacent properties.

(12) No street names will be used that will duplicate or be confused with the names of existing streets. Streets obviously in alignment with existing streets shall bear the same name unless otherwise approved by the City Council. Street names shall be subject to the approval of the City Council.

(13) Access to major streets shall be limited.

(14) All streets shall be designed to support the traffic generated or expected for that location. Street design standards shall apply as follows:

(a) Paving sections for residential, collector and boulevard type streets shall be in accordance with design standards provided in this Chapter or as otherwise required by the city engineer.

THE VILLAGE CITY CODE

(b) Paving sections for major arterial streets shall be designed for H-20 loading. Minimum section shall be eight (8) inch Portland cement concrete (air entrained) over two (2) inches of hot sand asphalt on compacted subgrade.

(c) Paving must be designed for any special loading such as oil well service equipment.

(d) The minimum curb radius at intersections shall be thirty (30) feet.

(e) No drive shall be permitted closer than sixty (60) feet from the centerline of intersecting minor streets. Major intersections may require special review.

(f) Modifications of the above standards may be considered only if acceptable engineering justification is provided.

(15) Except as provided in subsection (d), the Subdivider of any subdivision designed to be used for residential, commercial, or other purposes, shall pave all streets that are designed on the approved plat or that directly serve the subdivision by being adjacent thereto in accordance with the plans and specifications established by Ordinance or Resolution in accordance with the following provisions:

(a) The design of an improvement of an intersection of any new street with an existing state highway shall be in accordance with the standards of the Oklahoma Department of Transportation, but in no case shall the design be less than required by the applicable City specifications.

(b) All driveways, which connect with public streets, shall be constructed in accordance with the standard design of the City except, however, in residential drives, the minimum width for a single driveway, measured at the property line, shall be ten (10) feet, and minimum of sixteen (16) feet at the property line for a two-car driveway.

(c) Whenever, a subdivision is adjacent to an already existing unpaved street, the Subdivider shall be required to pave the entire breadth of said street.

(d) In Planned Unit Developments, private driveways may be maintained by the owners of said subdivision upon execution of a private driveway maintenance agreement between the owners, their heirs, executors, administrators, successors and assigns, and the City. Said agreement shall include but shall not be limited to, the following requirements:

(1) The owner shall agree to maintain private driveways of the subdivision.

THE VILLAGE CITY CODE

(2) The agreement shall be recorded in the office of the County Clerk for the purpose of reflecting the provisions of said agreement within the abstracts of title of the lots within the subdivision.

(3) When in the interest of providing public access to internal property or properties, the City Council may require the dedication to the public of rights-of-way and/or private driveway areas and may further require that said rights-of-way or private driveway areas meet the applicable paving and right-of-way standards of the City as found in this chapter.

(2014 Code)

Sec. 25-19. Alleys.

(a) Alleys shall be provided in commercial districts, except that the City Council may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed.

(b) Alleys serving commercial areas shall be not less than thirty (30) feet in width.

(c) Alleys are not required for residential areas but when provided, shall not be less than twenty (20) feet in width.

(d) Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.

(e) Dead-end alleys shall be avoided where possible but if unavoidable, shall be provided with adequate turnabout facilities at the dead-end as determined by the City Council.

Sec. 25-20. Sidewalks.

(a) Sidewalks shall be required on both sides of all streets classified as principal or minor arterial and on one side of all collector and local streets. Sidewalks shall be constructed in accordance with the applicable standard specifications of the City and federal law.

(b) On section line roads or designated major roadways, the Subdivider shall construct a sidewalk on the side of the road abutting the subdivision.

THE VILLAGE CITY CODE

(c) Sidewalks may be waived by the City Council in one of the following conditions:

(1) When the density of the subdivision has a density of two and one-half (2 1/2) dwellings or less per gross acre.

(2) Where there is a cul-de-sac of no greater length than five hundred (500) feet.

(3) When the placement of the sidewalk as required by these Ordinances would not significantly aid or contribute to pedestrian flow or safety in the subdivided area.

(4) In planned unit developments, where adequate provisions have been made for pedestrian flow and safety.

(d) The following shall serve as the sidewalk requirements:

<u>Roadway Classification</u>	<u>Residential</u>	<u>Nonresidential</u>
Principal Arterial	Both sides 5' 2' back of curb	Both sides 6'
Minor arterial	Both sides 5' 2' back of curb	Both sides 6'
Collector	One side 5'	Both sides 6'
Local	One side 5'	Both sides 6'

In all residential subdivisions the sidewalk along local streets should be along the North and East side.

(e) Sidewalks shall be the responsibility of the homebuilder in residential subdivisions and not a part of the subdivider's improvements. An occupancy permit shall not be issued for any dwelling, which has not been built in conformance with these sidewalk requirements.

Sec. 25-21. Utilities in general.

(a) Public easements at least fifteen (15) feet in width shall be provided for public utilities. Storm sewers are not considered to be utilities.

(b) Easements for private utilities shall be required if sufficient space is not available in public easements.

THE VILLAGE CITY CODE

(c) Private utilities may not be buried in street easements without written approval of the City Engineer.

(d) The minimum horizontal separation of parallel water and sewer lines shall be ten (10) feet.

(e) Gas, electric, telephone and television cables must maintain a horizontal separation of at least four (4) feet.

(f) All primary and secondary electric feeders, telephone and television cables installed within any new subdivision shall be placed underground.

(g) Trenches under areas to be paved shall be backfilled with a combination of rock screenings and sand compacted by water and a vibrating compactor.

Sec. 25-22. Water lines.

(a) The developer/developer shall be responsible for the installation of the water lines. All water mains shall be dedicated to the City of Oklahoma City, unless the City of The Village opts to provide service to the subdivision.

(b) All water lines in public rights-of-way shall be of ductile iron.

(c) Tapping sleeves shall be required for taps made to any existing water main ten (10) inches or more in diameter.

(d) The developer/developer shall provide a water distribution system of sufficient size meeting water use and fire protection requirements in accordance with these regulations and other applicable Ordinances, standards and specifications governing water line construction.

(e) The water system design shall provide as follows:

(1) A distribution system sized to supply water at a pressure satisfactory or each unit, residential or commercial, in the development. All proposed construction must be approved by the City Engineer.

(2) Fire hydrants with steamer connections shall be required throughout the development area. Fire hydrants shall be installed in accordance with City, state, and national fire Codes, however, in no case shall fire hydrants be placed greater than the minimum distance required by Oklahoma City or on any main less than six (6) inches in diameter. The placement of all fire hydrants shall be approved by the Fire Chief.

THE VILLAGE CITY CODE

(3) Prior to the initiation of installation of any combustible materials within any subdivision, the public water mains and fire hydrants serving the location shall be installed.

Sec. 25-23. Fire lanes.

(a) Fire lanes shall be provided for all buildings that are set back more than one-hundred and fifty (150) feet from a public road or exceed thirty feet in height and are set back over fifty (50) feet from a public road.

(b) Fire lanes shall be at least twenty (20) feet in width with a road edge closest to the building at least ten (10) feet from the building.

(c) Fire lanes and driveways shall be located so that all buildings served by them are accessible to fire equipment. The designation and maintenance of fire lanes on private property shall be determined by the Fire Marshal.

(d) An all-weather road, which is designed to support fire-fighting apparatus and approved by the Fire Marshal shall be provided for access to all construction sites prior to the placement of combustible materials on the site.

Sec. 25-24. Sanitary sewers.

(a) The Subdivider shall install sanitary sewers to serve the subdivision in accordance with specifications governing sanitary sewer construction. All sanitary sewer mains shall be public and shall be dedicated to the City of The Village.

(b) Any new or replacement sanitary sewer system shall be designed to minimize or eliminate the following:

(1) Infiltration of flood waters into such systems, and

(2) Discharges from such systems into flood water.

(3) Vandalism.

(c) Manholes shall be installed at the end of each sanitary sewer line.

(d) Manholes shall be constructed at all changes in grade, size, or alignment at all intersections and at distances not greater than four hundred (400) feet for sewers fifteen (15) inches in diameter or less and five hundred (500) feet for sewers eighteen (18) to thirty (30) inches in diameter.

THE VILLAGE CITY CODE

(e) Access to existing sanitary sewers shall be limited to the additional capacity available.

(f) No occupancy permit shall be issued for any structure, which has not been provided an approved connection to the public sewer system.

Sec. 25-25. Storm sewers and drainage.

(a) The Subdivider/developer shall provide storm sewers and drainage as needed to properly drain all property within the development area.

(b) Stormwater retention systems shall be required any time a development substantially increases the amount of impervious surface and when deemed necessary by the City Engineer. The design and capacity of all stormwater retention systems shall be subject to the review and approval of the city engineer.

(c) The storm drainage system shall be separate from the sanitary sewer system.

(d) Drainage from adjacent property shall not be restricted.

(e) Roadways shall be free from standing water during storms of a twenty-five (25) year return frequency.

(f) No building or structure other than a parking lot, street, or walkway, shall be constructed over a storm sewer.

(g) Drainage easements of sufficient width shall provide unobstructed access to all storm sewers. The minimum easement width shall be fifteen (15) feet.

(h) All subdivision proposals and other proposed new developments shall be reviewed to ensure that all such proposals are consistent with the need to minimize flood damage that all public utilities and facilities such as sewer, gas, electrical and water systems are located, elevated, and constructed so as to minimize or eliminate flood damage and that adequate drainage is provided so as to reduce exposure to flood hazards.

Sec. 25-26. Open spaces.

(a) Public parks, playgrounds and other public areas and open spaces should be provided as follows:

(1) One-third (1/3) acre for every 10 acres of area to be subdivided.

THE VILLAGE CITY CODE

(2) This section shall not apply to Planned Unit Developments where adequate common areas are provided for open space.

Sec. 25-27. Assurance for Completion of Improvements.

- a) Prior to acceptance of the dedications within the final plat by the City Council and recording the final plat pursuant to Section 25-10(g), the Subdivider shall complete, in accordance with the approved construction plans, all improvements required by this Chapter, as specified on the final plat approved by the City Council
- b) In lieu of completion of the improvements herein required, the City Council may, at its discretion, accept a subdivision improvement guarantee from the Subdivider, whereby the Subdivider agrees to complete construction of all improvements according to the plans and specifications approved by the Planning Commission and City Council within a period of time not to exceed two (2) years from the date of approval of the final plat. The form of such guarantees shall consist of one of the following:
 - 1) The Subdivider shall file a surety bond, issued by an institution licensed by the State of Oklahoma as a surety company, with the City of The Village in the amount of one hundred percent (100%) of the estimated costs to complete all required improvements as estimated by the City Engineer. The bond shall be subject to approval by the City Attorney and acceptance by City Council.
 - 2) The Subdivider shall deposit cash, or other instrument readily convertible into cash at face value, either with the City of The Village, or in escrow with a bank or savings and loan institution, in the amount of one hundred percent (100%) of the estimated costs to complete all required improvements, as estimated by the City Engineer. The use of any instrument other than cash shall be subject to the approval by the City Attorney and acceptance by the City Council. In the case of any escrow account, the Subdivider shall file with the City Council an agreement between the financial institution and Subdivider guaranteeing the following:
 - a) That the funds of said escrow account shall be held in trust until released by the City Council and may not be used or pledged by the Subdivider as security in any other matter during that period; and
 - b) That, in the case of a failure on the part of the Subdivider to complete the specified improvements within the required

THE VILLAGE CITY CODE

time period, the financial institution shall immediately make the funds in said account available to the City to finance the completion of those improvements.

3) The Subdivider shall provide a letter of credit from a bank, trust company, or savings and loan institution to the City of The Village. This letter shall be submitted to the City Council and shall certify the following:

- a) That the creditor does guarantee funds equivalent to one hundred percent (100%) of the estimated costs to complete all required improvements, as estimated by the City Engineer.
- b) That, in the case of a failure on the part of the Subdivider to complete the specified improvements within the required time period, the creditor shall immediately pay to the City such funds as are necessary to finance the completion of those improvements, up to the limit of credit stated in the letter.
- c) That this letter of credit may not be withdrawn, or reduced in amount, unless approved by the City Council according to the provisions of paragraph (c) below.

c) Upon completion of the improvements required, the Subdivider shall notify the City Engineer of such completion, requesting that the City Engineer so inspect the completed improvements, determining whether the improvements have been constructed and installed in compliance with those pertinent provisions of this Code. The City Engineer shall prepare a report regarding his inspection and file the same.

(Ord. No. 748, §1, 09-16-2019)

Sec. 25-28. Maintenance bond.

Before the acceptance of any public improvement for maintenance by the City Council, a maintenance bond for the full amount of the contract, effective for a period of two (2) years following the date of the City's acceptance of the public improvement, will be filed with the City Clerk to insure the correction of any defect in materials or workmanship that may be found in the improvement.

(Ord. No. 748, §1, 09-16-2019)

Sec. 25-29. "As built" Plans.

One set of "as built" plans and specification for the improvements herein required, certified, and signed by an engineer registered in the State of Oklahoma shall

be filed with the City Clerk prior to the acceptance by the City Council of any improvements installed herein.

Sec. 25-30. Typical sections and construction details.

The City of Oklahoma City standard construction specifications and details shall be utilized for all public improvements (streets, sidewalks, drainage, sewer, water) except as otherwise approved or amended by the City Engineer.

Sec. 25-31. Closing of Public Ways and Easements.

(a) The city may close to the public use any public way or easement within the municipality, whenever deemed necessary or expedient, through the adoption of an ordinance by the city council to effect such closing.

(b) For the purpose of this section, the following words shall have the meanings provided below:

1) *“Close” means a legislative act of the governing body of the city discontinuing the public use of a public way or easement without affecting title to real property.*

2) *“Public way” means a street, avenue, boulevard, alley, lane, or thoroughfare open for public use.*

3) *“Easement” means rights in real property as set forth in Title 60, Section 49 of the Oklahoma Statutes.*

(c) *Written notice* of any proposed closing of a public way or easement shall be given to any holder of a franchise, to all owners of record, as shown by the current year's tax rolls in the office of the Oklahoma County Treasurer, whose property is within three hundred (300) feet in any direction from the public way or easement, and to any other party who may have a special right or privilege granted by ordinance or legislative enactment to use the public way or easement. Said notice shall be given at least thirty (30) days prior to passage of any ordinance providing for the closing of a public way or easement.

(d) The city may retain the absolute right to reopen a public way or easement without expense to the city. A public way or easement may be reopened by ordinance whenever:

(1)The municipal governing body deems it necessary or appropriate; or

THE VILLAGE CITY CODE

- (2) An application of the property owners owning more than one-half ($\frac{1}{2}$) in area of the property abutting on the public way or easement previously closed is filed with the governing body.

- (e) Closing of a public way or easement shall not affect the right to maintain, repair, reconstruct, operate, or remove utility, Public Service Corporation or transmission company facilities or service therein, nor shall a closing affect private-ways, existing by operation of law unless released in a writing executed by the owners thereof.

State law reference—Power to close public ways and easements, 11 O.S. § 42-110. (Ord. No. 722, §1 02-06-2017)