

SUBDIVISION RULES

FOR THE

CITY OF DURANT

Adopted November 13, 2007
By the Durant City Council
Per Ordinance No. 1573

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GENERAL PROVISIONS

§ 156.001 PURPOSE AND INTENT.

- (A) These regulations are designed to promote the health, safety, morals and general welfare of the community by establishing standards for the subdivision of land within the city’s jurisdiction.
- (B) The provisions of this chapter are specifically designed to lessen the congestion on streets; promote the orderly layout and use of land; secure safety from fire and other dangers; provide adequate light and air; facilitate adequate provisions for transportation, water, sewage, schools, parks, playgrounds and other public requirements; and protect neighborhood areas from the hazard of through traffic.
- (C) These regulations are designed, intended and should be administered according to the purposes so to achieve the following:
 - (1) Implement the Comprehensive Plan;
 - (2) Provide for conservation of existing standard residential areas and prevent the development of slums and blight;
 - (3) Harmoniously relate the development of the various tracts of land to the existing community and facilitate the future development of adjoining tracts;
 - (4) Provide that cost of improvements which primarily benefit the tract of land being developed be borne by the owners or developers of the tract and that the cost of improvements which primarily benefit the whole community be borne by the whole community;
 - (5) Provide the best possible design for the tract;
 - (6) Reconcile any difference of interest; and
 - (7) Establish adequate and accurate records of land subdivision.

§ 156.002 POLICY.

It is the policy of the Planning Commission and the city that these regulations are adopted for the purpose of establishing standards for reviewing of plans, plats and replats as provided for in 11 O.S. § 45-104.

§ 156.003 AUTHORITY.

- (A) These subdivision regulations and minimum standards for land development are adopted by resolution of the Planning Commission and ratified by ordinance of the city in accordance with the provisions in 11 O.S. §§ 45-101 through 45-104.
- (B) In all cases where these regulations provide for matters to be submitted to the Secretary of the Planning Commission those matters may be submitted to the Community Development Director or alternatively to the City Manager, and in all cases where these regulations provide for approvals by or actions to be taken by the Secretary of the Planning Commission those approvals or actions may be taken by the Community Development Director or alternatively the City Manager.

§ 156.004 VALIDITY.

If any section, clause, division, provision or portion of these regulations shall be held invalid, or unconstitutional, by any court of competent jurisdiction, such holding shall not affect any other section, clause, division, provision or portion of these regulations.

§ 156.005 ADMINISTRATION AND AMENDMENTS.

The Planning Commission and City Council may, from time to time, adopt, amend and make public rules and regulations for the administration of these regulations to the end that the public be informed and that

approval of plats be expedited. These regulations may be enlarged or amended by the City Council after public hearing, due notice of which shall be given as required by law.

§ 156.006 JURISDICTIONS.

These regulations and development standards shall apply to the following forms of land subdivision:

- (A) The division of land into two or more tracts, lots, sites or parcels, any part of which, when subdivided, shall contain less than ten acres in area;
- (B) The division of land, previously subdivided or platted, into tracts, lots, sites or parcels or less than ten acres in areas;
- (C) The dedication, vacation or reservation of any public or private easement through any tract of land regardless of the area involved, including those for use by public and private utility companies; or
- (D) The dedication or vacation of any street or alley through any tract of land regardless of the area involved.

§ 156.007 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADDITION. One lot, tract or parcel of land lying within the corporate boundaries of the city which is intended for the purpose of development.

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

AMENDED PLAT. A revised plat correcting errors or making minor changes to the original recorded final plat.

AMENITY. An improvement to be dedicated to the public or the common ownership of the lot owners of the subdivision and providing an aesthetic, recreational or other benefit, other than those prescribed by this ordinance.

BLOCK. A parcel of land, intended to be used for urban purposes, which is entirely surrounded by public streets, highways, railroad rights-of-way, public walks, parks or greenstrips, rural land or drainage channels or a combination thereof.

BOND. Any form of a surety bond in an amount and form satisfactory to the city.

BUILDING LINE or SETBACK LINE. A line or lines designating the area outside of which buildings may not be erected.

CAPITAL IMPROVEMENTS PROGRAM. The official proposed schedule of all future public projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project, as adopted by City Council.

CITY ENGINEER. The official with responsibility to review and release plans for construction projects, or his designee.

CITY. The City of Durant, Oklahoma.

COMMISSION. The Planning Commission for the City of Durant.

COMPREHENSIVE or GENERAL PLAN. A plan for development of the city prepared and adopted by the City Council, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof.

CONSTRUCTION PLAN. The maps or drawings accompanying a plat and showing the specific location and design of public improvements to be installed in the subdivision or addition in accordance with the requirements of the Planning Commission as a condition of the approval of the plat.

CONTIGUOUS. Lots are contiguous when at least one boundary line of one lot touches a boundary line or lines of another lot.

CONVEYANCE PLAT. An interim plat recording the subdivision of property or defining a remainder of property created by the approval of a final plat for a portion of property, where approval of final development plans is not sought.

COUNCIL. The City Council of the City of Durant, Oklahoma.

COUNTY. Bryan County, Oklahoma.

DEDICATION PLAT. A plat prepared for the purpose of dedicating land or easements for rights-of-way to the city.

DEVELOPER. The person, business, corporation or association responsible for the development of the subdivision or addition. In most contexts the terms Developer and Property Owner are used interchangeably in these regulations.

DEVELOPMENT EXACTION. Any dedication of land or easements for, construction of, or contribution toward construction of a public improvement required as a condition of plat approval by the city under these regulations.

DEVELOPMENT. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, paving, drainage or utilities, but not agricultural activities.

DIRECTOR. The Director of the Community Development Department of the City of Durant, or his/her designee.

DRAINAGE WAY. All land areas needed to allow passage of the Base Flood, including sufficient access above the Base Flood elevation along each side of and parallel to the natural or excavated channel.

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.

ESCROW. A deposit of cash with the city in accordance with city policies.

FINAL PLAT. The map of a subdivision or addition to be recorded after approval by the Planning Commission and any accompanying material and additional requirements as described in these regulations.

FLOODPLAIN. Any land area susceptible to being inundated by water from the base flood.

IMPROVEMENT AGREEMENT. A contract entered into by the developer and the city by which the developer promises to complete the required public improvements within the subdivision or addition within a specified time period following final plat approval.

LOT OF RECORD. A lot created prior to January 1, 2008, which is the date of enactment of these subdivision regulations for the City of Durant through Ordinance. No. 1573.

LOT, CORNER. A lot which has at least two adjacent sides abutting for the full lengths on a street, provided that the interior angle at the intersection of such two sides is less than 135 degrees.

LOT, DOUBLE FRONTAGE. A lot which runs through a block from street to street and which has two nonintersecting sides abutting on two or more streets.

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

MAJOR PLAT. All plats not classified as minor plats, including but not limited to subdivisions of more than four (4) lots, or any plat requiring creation of any new street or extension of the city's facilities.

MINOR PLAT. A subdivision resulting in four or fewer lots and not requiring the creation of any new street or the extension of municipal facilities.

MUNICIPAL FACILITY. An improvement owned and maintained by the city.

OFF-SITE IMPROVEMENT. Any public improvement located outside the physical boundaries of the subdivision or addition to be platted.

PERIMETER STREET. Any existing or planned street which abuts the subdivision or addition to be platted.

PRELIMINARY PLAT. A map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed subdivision of land.

PLAT. The plan or map for the subdivision or addition to be filed for record in the County where such subdivision or addition is located.

PLATTING. The act of preparing for approval and processing, pursuant to these regulations, the plan or map for the subdivision or addition to be filed for record in the County where such subdivision or addition is located.

PRIVATE STREETS & ALLEYS. A private vehicular access way shared by and serving two or more lots, which is not dedicated to the public and is not publicly maintained. Private streets and alleys may be established only under the terms of these regulations. The term private street shall be inclusive of alleys.

PROPERTY OWNER. Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land comprising the subdivision or addition, or any representative or agent thereto, who has express written authority to act on behalf of such owner.

PUBLIC IMPROVEMENT. Any drainage way, roadway, parkway, sidewalk, utility, pedestrian way, off-street parking area, lot improvement, open space, or other facility for which the city or other governmental entity will ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

REMAINDER. The residual land left after platting of a portion of a tract. Platting of a residual may in some instances be required under the provisions of this ordinance.

REPLATTING. Any change in a map of an approved or recorded plat, except as permitted as an amended plat, that affects any street layout on the map or area reserved or dedicated thereon for public use or any lot line, or that affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions or additions. Replatting includes the combination of lots into a single lot for purposes of development.

RESUBDIVISION. The replatting of a subdivision plat.

RIGHT-OF-WAY. A parcel of land occupied or intended to be occupied by a street or alley. Where appropriate right-of-way may include other facilities and utilities, such as sidewalks, railroad crossings, electrical, communication, oil or gas, water or sanitary or storm sewer facilities, or for any other special use. The use of right-of-way shall also include parkways and medians outside of pavement. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

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

SECURITY. The letter of credit or cash escrow provided by the applicant to secure its promises in the improvement agreement.

SKETCH PLAT. A sketch preparatory to the preliminary plat or final plat, to enable the property owner to save time and expense in reaching general agreement with the Planning Commission as to the form of the plat and the objectives of these regulations.

STREET, COLLECTOR. A minor street as designated on the major street plan which collects traffic from other minor streets and serves as the most direct route to a major street or a community facility.

STREET, CUL-DE-SAC. A minor street having one end open to vehicular traffic and having one closed end terminated by a turnaround.

STREET, FRONTAGE OR SERVICE. A minor street auxiliary to and located on the side of a major street for service to abutting properties and adjacent areas and for control of access.

STREET, MAJOR. An arterial street which is designated on the major street plan or comprehensive plan.

STREET, MINOR. Any street not classified as a major street on the major street plan whose primary purpose is to provide access to adjacent properties.

SUBDIVIDER. Any person, firm, partnership, corporation or other entity, acting as a unit, subdividing or proposing to subdivide land as herein defined.

SUBDIVISION. A division of any tract of land situated within the corporate limits, or within the extraterritorial jurisdiction or regional planning district of the city, into two or more parts for the purpose of laying out any subdivision of any tracts of land or any addition to the city or for laying out suburban lots or building lots, or any lots, and streets, alleys or parts or other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto for the purpose, whether immediate or future, of creating building sites.

SUBSTANDARD STREET. An existing street, or highway that does not meet the minimum specifications in the Thoroughfare Standards Ordinance and city Construction Standards and Specifications, or if a State Highway does not meet the minimum Standard Specifications of the Oklahoma Department of Transportation and is not constructed to the ultimate extent for the type of roadway it is designated for in the major thoroughfare plan. A standard street is a street or highway that meets or exceeds said standard specifications and major thoroughfare plan.

TEMPORARY IMPROVEMENT. Improvements built and maintained by an owner during construction of the development of the subdivision or addition and prior to release of the performance bond or improvements required for the short term use of the property.

GENERAL PROCEDURE

§ 156.020 PLAT APPROVAL.

For all cases of subdividing within the scope of these regulations, a plat of the land in question or an easement with a description in writing when appropriate shall be drawn and submitted to the Planning Commission and City Council for their approval or disapproval, as provided hereafter in these regulations.

§ 156.021 TIME LIMITATIONS.

(A) *Sketch Plats.* The applicant shall submit to the Community Development Department two copies of the proposed sketch plat seven days before the date of the Planning Commission meeting at which consideration is requested. The approval of a sketch plat by the Planning Commission shall be valid for a period of two years. If a preliminary plat covering all or part of the land shown in a sketch plat has not been filed with the Secretary of the Planning Commission within two years of the date of approval of the sketch plat, than all approvals shall be void and the land owner shall have no rights or privileges based upon the former approval.

(B) *Preliminary Plats.* The applicant shall submit to the Community Development Department four copies of the preliminary plat and one copy of the preliminary plat check list 15 days before the Planning Commission meeting at which consideration is requested. At the option of the applicant a preliminary plat may be submitted without the necessary improvement plans with a request for conditional approval from the Planning Commission. After the granting of a conditional approval of such a partial submission of a preliminary plat, the applicant shall submit the necessary improvement plans within six months. If the improvement plans are not submitted within six months all conditional approvals shall be void. The Planning Commission shall act upon all submissions related to the preliminary plats within 75 days of the receipt of materials or the plat shall be considered to have been approved. If a final plat covering all or

part of the land shown in a preliminary plat has not been filed with the Community Development Department within two years after the approval of the preliminary plat, then all approvals shall be void.

(C) *Final Plats.* The applicant shall submit to the Community Development Department four copies of the final plat and two copies of the as-built plans for all improvements installed 15 days before the Planning Commission meeting at which consideration is requested. The Planning Commission shall act upon all submissions related to final plats within 75 days of the date of receipt of materials or the plat shall be considered to have been approved. If a final plat is not filed of record with the County Clerk within six months after the approval of the Planning Commission and City Council, then all approvals shall be void.

§ 156.022 OFFICIAL RECORDING.

Except as provided and lots of record established prior to the effective date of these regulations (January 1, 2008), no plat or other land subdivision instrument shall be filed in the office of the County Clerk until it shall have been approved by the Planning Commission and by the City Council as hereinafter set forth. All final plats shall be filed within two years of date of approval by the Planning Commission and City Council, and no lots shall be sold from any plat until recorded. Time extensions of the two year filing requirement may be granted by the Planning Commission upon review of the final plat and a finding that circumstances prevail substantially as of the time of original approval.

§ 156.023 AGENDA.

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 providing the subdivider presents with the plat a written request for specific exceptions and explains the reasons therefore.

§ 156.024 FILING FEE.

(A) Fees, as set by the City Council by resolution or motion, shall be paid to the city at the time of submitting each of the respective plats and applications for a hearing before the Planning Commission or Board of Adjustments.

(B) No part of the subdivision plat or lot-split plat, or hearing fees shall be refundable.

§ 156.025 VARIATIONS AND EXCEPTIONS.

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 or inequity, the Planning Commission may vary or modify, except as otherwise indicated, such requirements of design, but not of procedure or improvements, so that the subdivider may develop his or her property in a reasonable manner, but so, at the same time, that the public welfare and interests of the city are protected and that the general intent and spirit of these regulations be preserved. Such modification may be granted upon written request of the subdivider stating the reasons for each modification and such action shall be taken by the affirmative vote of three-fourths of the regular membership of the Planning Commission and confirmed by a simple majority vote of the City Council.

§ 156.026 SURETY BOND.

In lieu of filing a surety bond the subdivider or developer may secure and place on deposit with the city an irrevocable letter of credit or comparable instrument from a title company, banking institution or similar financial institution, stating that money will be held in escrow until all offsite improvements have been completed to the city's satisfaction. Such letter of credit or financial instrument shall be drawn in favor of the city for the entire cost of improvements for water mains, paving, sanitary sewers, storm sewers and other drainage facilities as estimated by the subdivider's registered professional engineer and approved by the City Engineer. The Building Inspection Department, a division of the Community Development

Department shall issue no building permit until the contractor submits offsite improvement plans for the project, conforming to the city standards, specifications and requirements. Upon completion of the public improvements the "as built" drawings shall be supplied by the developer's design engineer to the city.

§ 156.027 EXTENSION AND REINSTATEMENT PROCEDURE

(A) Sixty days prior to or following the lapse of approval for a sketch plat, preliminary plat, or final plat as provided in these regulations, the property owner may petition the Planning Commission to extend or reinstate the approval. Such petition shall be considered at a public meeting of the Planning Commission.

(B) In determining whether to grant such requests, the Planning Commission shall take into account the reasons for the lapse, the ability of the property owner to comply with any conditions attached to the original approval and the extent to which newly adopted subdivision regulations shall apply to the plat. The Planning Commission shall extend or reinstate the plat, or deny the request, in which instance the property owner must submit a new application for approval.

(C) The Planning Commission may extend or reinstate the approval subject to additional conditions based upon newly enacted regulations or such as are necessary to assure compliance with the original conditions of approval. The Planning Commission may also specify a shorter time for lapse of the extended or reinstated plat than is applicable to original approvals.

(D) The approval of a preliminary plat for a portion or phase of a sketch plat, or the approval of a final plat for a portion or phase of a preliminary plat, shall not automatically affect the expiration of approval of the sketch plat or preliminary plat as it pertains to the balance of the property. Extensions and reinstatement of a sketch plat, preliminary plat, or final plat may be approved under the provisions of this section.

§ 156.028 AMENDMENTS TO SKETCH PLAT OR PRELIMINARY PLAT

(A) At any time following the approval of a sketch plat or preliminary plat, and before the lapse of such approval, a property owner may request an amendment. The rerouting of streets, addition or deletion of alleys, or addition or deletion of more than 10% of the approved number of lots shall be considered a major amendment. The adjustment of street and alley alignments, lengths, and paving details; the addition or deletion of lots within 10% of the approved number and the adjustment of lot lines shall be considered minor amendments.

(B) The Community Development Director may approve or disapprove a minor amendment. Disapproval may be appealed to the Planning Commission under the terms of this Code. Major amendments may be approved by the Planning Commission at a public meeting in accordance with the same requirements for the approval of a sketch plat or preliminary plat.

(C) *Approval.* The Planning Commission shall approve, conditionally approve or disapprove any proposed major amendment and may make any modifications in the terms and conditions of preliminary plat approval reasonably related to the proposed amendment.

(D) *Retaining Previous Approval.* If the applicant is unwilling to accept the proposed amendment under the terms and conditions required by the Planning Commission, the applicant may withdraw the proposed major amendment or appeal the action of the Planning Commission to the City Council in accordance with this Code.

§ 156.029 APPEALS TO CITY COUNCIL (NEW)

The applicant, Community Development Director, or two members of the City Council may appeal the decision of the Planning Commission with regard to a sketch plat, preliminary plat, final plat, replat, conveyance plat, development plat, lot-split, or other plat provided for in these regulations by filing a Notice of Appeal in the office of the Community Development Director, no later than ten (10) days after the date on which the Commission notifies the applicant of its decision. Such notification may take place by means of an oral ruling by the Planning Commission at a public meeting. Written notice of any appeal

shall be sent to the property owner and shall stay the decision until the appeal is decided. The Notice of Appeal shall set forth in clear and concise fashion the basis for the appeal. The City Council shall consider the appeal at a public meeting no later than 45 days after the date on which the Notice of Appeal is filed. The City Council may affirm, modify, or reverse the decision of the Planning Commission and may, where appropriate, remand the plat or variance request to the Commission for further proceedings consistent with City Council's decision.

PLATTING PROCEDURES

§ 156.040 GENERAL.

(A) Whenever any subdivision of land is proposed, before any contract is made for the sale of any part of the land, before any permit for the erection of a structure in such proposed subdivision shall be granted, the owner of the land or his or her agent shall apply for and secure the approval of the Planning Commission of such proposed subdivision. The proposed subdivision may be processed a standard subdivision or a lot-split subdivision as follows:

- (1) Standard subdivision:
 - (a) Sketch plat;
 - (b) Preliminary plat (and construction plans for improvements);
 - (c) Final plat;
 - (d) Building permit; and
 - (e) Occupancy permit;
- (2) Lot-split (as required).

(B) Upon initial receipt of a subdivision proposal, the Community Development Director shall determine if the proposal shall be classified as a standard subdivision or a lot-split. If a subdivision is determined to be a lot-split, the Community Development Director shall determine what information, drawings and procedure will be necessary for the submission of the lot-split to the Planning Commission in accordance with these regulations and the policies of the Planning Commission. The Community Development Director, shall consider in each case the nature of a proposed lot-split and the relationship of the proposal to surrounding land uses, topography, property shape, property size, adjacent ownership, public access and public facilities in order to determine the extent to which the platting process must be followed. The above determinations of the Community Development Director may be reviewed and revised by the Planning Commission, and then the City Council upon request of the subdivider.

§ 156.041 CLASSIFICATION OF SUBDIVISIONS AND ADDITION AS MINOR OR MAJOR. (NEW)

(A) Before any land is platted, the property owner shall apply for and secure approval of the proposed subdivision plat or addition plat in accordance with the following procedures, unless otherwise provided by these regulations. Subdivisions are classified as major or minor depending on the number of lots proposed and the extent of public improvements required.

- (1) Minor subdivisions shall create no more than four lots and do not require the creation of a new street or the extension of municipal facilities. Minor subdivisions may be approved for residential and non-residential properties. Conveyance plats may be approved under the procedure for minor subdivisions provided that they establish no more than four lots and do not create a new street or extend municipal facilities. Minor plat approval requires the submission of a final plat as described under these regulations, or the submission of a conveyance plat as described under these regulations. The Community Development Director may approve minor plats or refer them to the Planning Commission for their action.

(2) Major subdivisions involve the creation of new streets, the extension of municipal facilities or the creation of more than four lots. Major subdivisions may be approved for residential and non-residential properties. Conveyance plats are considered major subdivisions if they create more than four lots or involve the creation of new streets or the extension of municipal facilities. The procedure for approving a major plat typically requires three steps: sketch plat, preliminary plat, and final plat. Sketch plats require approval by the Planning Commission. The sketch plat requirement may be omitted if the subdivision creates no more than one new street and the Community Development Director determines that sufficient information exist to begin preparation of a preliminary plat. A concept plan or preliminary site plan that contains sufficient information to provide for the proper coordination of the development may be required for non-residential property

Except as otherwise permitted, the Planning Commission's approval of a preliminary plat is required prior to the construction of public improvements to the property. The preliminary plat and the associated engineering plans for the property may be amended during construction, with only major changes requiring reapproval by the Planning Commission.

Upon completion of the required public improvements, or the provision of a subdivision improvement agreement described in these regulations, the owner may submit a corrected final plat for the subdivision. Lots may be sold and building permits obtained after approval of the plat by the Planning Commission, and filing of the signed plat. The preliminary plat process may be omitted if the owner enters into a subdivision improvement agreement with the city and provides sufficient surety for all proposed public improvements. If the preliminary plat process is omitted, engineering plans must be submitted in conjunction with the final plat.

§ 156.042 SKETCH PLAT.

(A) *Purpose.* The purpose of the sketch plat is to provide the subdivider, the Planning Commission and the governing bodies an opportunity to identify any problems concerning the land use, general design and overall approaches to installation of improvements before the expenditure of large amounts of money and manpower in the preparation of more detailed platting documents. This step in the overall subdivision process is very important because it is at the initial part of the process when decisions are to be made that can have great value from the fulfillment of the comprehensive plan; or, conversely decisions wrongly made at this point can be very damaging to the fulfillment of the comprehensive plan. It is important that all of the land to be included in the proposed subdivision shall be included in the sketch plat so that an overview of an entire area can be accomplished.

(B) Before preparing the sketch plat the subdivider should review these regulations and discuss with the Community Development Director the procedures for the adoption of a subdivision plat and the general requirements as to the layout of streets and for any reservations of land, street improvements, drainage, sewerage, water supply, fire protection, the availability of services and similar matters.

(C) *Applicability.* A sketch plat shall be required as a condition precedent to approval of any application for a major plat, except where the Community Development Director determines:

(1) The subdivision will result in no more than one new street and sufficient information exists to begin preparation of a preliminary plat, or

(2) A concept plan, preliminary site plan or final site plan for the property provides sufficient information for the preparation of a preliminary plat.

(D) *Phasing of Development.* The Commission may permit a sketch plat for a major plat to be divided into two or more phases, as indicated on the sketch plat, provided each phase satisfies the requirements of this ordinance. In considering phasing of a sketch plat, the Commission may approve certain conditions as it deems necessary to assure the orderly development of the platted land. Such conditions may include but are not limited to temporary street and alley extensions, temporary cul-de-sacs, and off-site utility extensions.

(E) Application Procedure and Requirements:

(1) *Pre-application Conference.* Before preparing the sketch plat, the applicant is strongly encouraged to schedule an appointment and meet with the Community Development Director to discuss the procedures for approval of the plat and the requirements as to general layout of streets and or reservations of land, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services.

(2) *General Application Requirements.* Prior to platting of the land, the property owner shall file an application for approval of a sketch plat with the Commission. The application and sketch plat shall meet the following minimum requirements:

(a) The application shall include all contiguous holdings of the property owner with an indication of the portion which is proposed to be developed or offered, sold or leased, accompanied by an affidavit of ownership, which includes an address and telephone number of an agent who shall be authorized to receive all notices required by these regulations.

(b) The study shall be drawn to scale of 1" = 200' or larger.

(c) The lower right hand corner of the sketch plat shall contain a title block clearly showing the proposed name of the subdivision or addition, the name and address of the Owner and the Engineer or Surveyor responsible for the designer survey, the scale of the drawing, the date the drawing was prepared, and the legal description of the track.

(d) The sketch plat shall clearly show the limits of the tract and scale distances. True north shall be clearly indicated and shall be to the top or left of the study.

(e) The sketch plat shall show the names of adjacent subdivisions or additions or the name of record owners of adjoining parcels of unplatted land.

(f) The study shall contain the existing zoning on adjoining land, the location, width, and names of all existing or platted streets or other public ways within or adjacent to the tract, existing permanent buildings, railroad rights-of-way, utility and drainage easements, and topography with existing drainage channels or creeks, and other important features such as tree groupings, vegetation, political subdivisions or corporate limits and school district boundaries.

(g) The study shall show the layout, names and width of proposed thoroughfares, collector streets, and intersections, and shall show a general configuration of proposed streets and alleys.

(h) The study shall show a general arrangement of land uses, including but not limited to park and school sites, municipal facilities, private open space, floodplains and drainage ways, phasing plan, and proposed non-residential and residential uses and densities.

(3) *Additional Requirements Prerequisite to Preliminary Plat Approval.* Except as permitted, prior to the submittal of a preliminary plat, the applicant shall submit for approval a sketch plat, at a scale of 1" = 100' or larger, depicting all information required and the following additional items:

(a) The layout, names, and width of proposed streets, alleys, and easements.

(b) Layout, numbers, and approximate dimensions of proposed lots and all building lines.

(c) The location of proposed screening walls and/or other forms of screening shall be clearly indicated.

(d) Existing contours of the tract in intervals of two feet or less, referred to sea level datum.

(e) Existing sewers, water mains, culverts, or other underground structures within the tract and immediately adjacent thereto with pipe sizes and locations included.

(f) Proposed water, sanitary sewer and storm sewer pipe lines with culverts, bridges, and other appurtenances or structures shown.

- (g) Storm water retention or detention basins as required.
 - (h) Erosion mitigation of lots or roads next to creeks and drainage ways.
 - (i) General tree survey information.
- (4) *Standards for Approval.* No sketch plat shall be approved by the Planning Commission for a plat which is intended for development unless it conforms to the Comprehensive Plan and the development ordinances of the city.
- (5) *Approval Procedure.* After review of the sketch plat, the report and recommendations of the Community Development Director and the exhibits submitted at a scheduled meeting, the Planning Commission shall approve, conditionally approve or disapprove the sketch plat. One (1) copy of the proposed sketch plat shall be returned to the owner with the date of approval or disapproval and the reasons therefore accompanying the copy. If the Planning Commission disapproves the proposed sketch plat, the applicant may execute an appeal to the City Council in the manner prescribed in these regulations.
- (6) *Effect of Approval.* Approval of the sketch plat in conformance to these procedures by the Planning Commission constitutes authorization by the city for the property owner to submit application for approval of a preliminary plat subject to compliance with any conditions attached to approval of the sketch plat. The approval of any study or plat other than a preliminary plat does not certify the availability or capacity of infrastructure or that the property is suitable for development. The determination of infrastructure needs and capacity and the delineation of floodplain or other limitations on development will be done only during the review and approval of either a preliminary or final plat complete with required engineering plans and studies.

§ 156.043 PRELIMINARY PLAT.

- (A) *Purpose.* The purpose of the preliminary plat is to provide an interim step in the procedure at which point the subdivider shall present drawings of the detail features of the subdivision. It is at this point that the items discussed at the sketch plat stage and as set down herein are prepared in a form from which determinations can be made as to the technical workability of the development proposal.
- (B) After the Planning Commission has approved the sketch plat, the subdivider may proceed with the preparation of the preliminary plat. After the subdivider has prepared the preliminary plat he or she may take either of the following actions:
- (1) He or she may present the preliminary plat and preliminary plat checklist to the Planning Commission and obtain approval thereof before proceeding with preparation of the improvement plans; or
 - (2) He or she may present the improvement plans and improvement plans checklist to the Planning Commission at the time the preliminary plat and preliminary plat checklist are presented.
- (C) Whenever the subdivider presents to the Planning Commission a preliminary plat and preliminary plat checklist, without improvement plans, the Planning Commission may conditionally approve the preliminary plat, subject to Planning Commission approval of the improvement plans within six months following the preliminary plat conditional approval.
- (D) After review of the preliminary plat, the Planning Commission shall, within 60 days of its submission, approve, conditionally approve or reject the plat. The subdivider shall be notified in writing of this action, together with any conditions of approval or the reasons for rejection.
- (E) Whenever the subdivider presents to the Planning Commission the preliminary plat, preliminary plat checklist, improvement plans and improvement plans checklist and the Planning Commission finds that the plat and improvement plans meet all the requirements of these regulations, it shall approve the preliminary plat and improvement plans by placing a certificate of approval upon each copy of the plat and plans. Such certificate of approval shall bear the signature of the Chairperson and Secretary of the Planning Commission and shall provide that the approval given thereby does not constitute approval for purposes of recording.

(F) Approval of the preliminary plat shall not in all cases entitle the subdivider to approval of the final plat. Upon preliminary approval, if any conditions arise which would cause the preliminary plat to become unsatisfactory due to health, safety or welfare of the community, the Planning Commission shall recommend that the final plat be rejected.

(G) *Application Procedure and Requirements.* On forms approved by the city, the applicant shall file for approval of a preliminary plat, which conforms substantially with the sketch plat (if required) or alternate plan submitted by the applicant. The plat shall be prepared by or under the supervision of a registered public surveyor in the State of Oklahoma and shall bear his seal, signature and date on each sheet. The payment of all applicable fees shall be required at the time of submission.

(1) *General Application Requirement.* Copies of the proposed preliminary plat shall be at a scale of 1" = 100' or larger and in a form substantially as follows:

(a) The boundary lines with accurate distances and bearings and the exact location and width of all existing or recorded streets intersecting the boundary of the tract.

(b) True bearings and distances to the nearest established street lines and monuments, which shall be accurately described on the plat.

(c) Specific tree survey.

(d) The exact layout including:

(i) *Proposed street names* - Street names must be submitted to the Community Development Department for approval in accordance with the city's guidelines for the naming of streets. The Community Development Department will maintain an index of street names which will contain these guidelines. Street names and subdivision names are fixed at the time of approval of the preliminary plat. A fee, as set by the City Council by motion or resolution, will be charged to change street names and subdivision names after approval of the preliminary plat.

(ii) The length of all arcs, radii, internal angles, points of curvature, length, and bearings of the tangents.

(iii) All easements for rights-of-way provided for public services or utilities and any limitations of the easements.

(iv) All lot numbers and lines with accurate dimensions in feet and hundredths of feet and with bearings and angles to street and alley lines.

(v) The location of the centerline of creeks or drainage ways should be tied with accurate dimensions in feet and hundredths of feet with bearings and angles. No unplatted remainder will be allowed between property boundaries and centerlines of creeks.

(e) The accurate location, material, and size of all monuments approved by the City Engineer. Horizontal and vertical control data shall be established for a minimum of two (2) corners of the subdivision or addition. One inch iron rods shall be set at all block corners, angle points, points of corners, and points of tangents. One-half inch iron rods shall be set at all other lot corners.

(f) The accurate outline of all property which is offered for dedication for public use with the purpose indicated thereon, and of all property that may be reserved by deed covenant for the common use of the property owners in the subdivision or addition.

(g) Building setback lines for residential properties.

(h) Special restrictions including, but not limited to, drainage and floodway, fire lanes, and screening.

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

- (j) Names of adjacent subdivisions.
- (k) Name and address of the property owner, the owner's Surveyor, and the owner's Engineer.
- (l) North point, scale, and date.
- (m) Legal description according to the real estate records maintained by the County Clerk's office and area calculations.
- (n) Location by section, town, range, township, county and state.
- (o) Additional documents necessary for dedication or conveyance of easements or rights-of-way, as required by the city. The city may, in some instances, require the conveyance of fee simple title for certain rights-of-way.
- (p) Entry easements to allow city inspectors to enter the property being platted for the purpose of inspecting the construction of the public improvements.
- (q) Important features such as existing permanent buildings;
 - (1) Large trees and water courses;
 - (2) Parks and other public lands;
 - (3) railway lines;
 - (4) Existing public easements;
 - (5) Oil and gas lines or wells as shown on the records of the Oklahoma Corporation Commission (including abandoned or gas or oil wells and dry holes which remain unplugged),
 - (6) Existing utilities including sewer, water mains, culverts and other underground structures within the tract or immediately adjacent thereto, showing pipe sizes and grades indicates;
 - (7) Contours at intervals of 2 feet which are referenced to USGS data; and
 - (8) Any other relevant feature necessary for a full and complete understanding of the proposed subdivision.
- (r) Title of document and a vicinity sketch drawn to a scale of a maximum of 2,000 feet to the inch.
- (s) Copies of any private restrictions to be included in the deeds shall be attached to the preliminary plat.
- (t) Regulatory flood boundaries, and the ten (10) year flood boundaries.
- (2) *Other Required Documents and Information to Be Filed With Preliminary Plat.*
 - (a) Proposed covenants and deed restrictions, if any.
 - (b) Source of water supply.
 - (c) Provisions for sewage disposal.
 - (d) Construction Plans
- (3) *Standards for Approval.* No preliminary plat shall be approved by the Planning Commission or by the City Council unless the following standards have been met:
 - (a) The plat substantially conforms with the approved sketch plat or other study as provided in these regulations.
 - (b) The construction plans have been reviewed by the City Engineer.
 - (c) Provision for installation and dedication of public improvements has been made.

(d) The plat conforms to applicable zoning and other regulations.

(e) The plat meets all other requirements of these regulations.

(4) *Timing of Public Improvements:*

(a) The Planning Commission may require that all public improvements be installed, offered for dedication, and ready for acceptance by the city prior to the signing of the final plat by the Chairman of the Planning Commission.

The Planning Commission may permit or require the deferral of the construction of public improvements if in its judgment, deferring the construction would not result in any harm to the public, or offer significant advantage in coordinating the site's development with adjacent properties and off-site public improvements. Any required public improvement(s) approved for deferred construction must be provided for as required prior to the approval of the final plat.

(b) If the Planning Commission does not require that all public improvements be installed, offered for dedication and accepted by the city prior to signing of the final plat by the Chairman, it shall require that the applicant execute an improvement agreement and provide security for the agreement as provided in these regulations.

(c) This procedure shall also apply to the approval of a final plat if the preliminary plat is omitted.

(5) *Approval Procedure.* After review of the preliminary plat, the report and recommendations of the Community Development Director concerning the land study and the application, the report and recommendation of the City Engineer on the construction plans, and any exhibits submitted at a public meeting, the applicant shall be advised of any required changes and/or additions. The Planning Commission shall approve or disapprove the preliminary plat. One (1) copy of the proposed preliminary plat shall be returned to the owner with the date of approval, conditional approval or disapproval and the reasons therefore accompanying the plat. If the Planning Commission disapproves the proposed preliminary plat, the applicant may execute an appeal in the manner prescribed in these regulations.

(6) *Effect of Approval* - Approval of a preliminary plat by the Planning Commission constitutes authorization for the City Engineer to release construction plans subject to his final approval and for the City Engineer to authorize for the property owner to commence grading of the site and construction of such public improvements as are required by the Planning Commission. Approval of a preliminary plat also authorizes the property owner, upon fulfillment of all requirements and conditions of approval, to submit for approval an application for final plat approval. Upon release of the construction plans, the City Engineer may, upon request of the applicant, issue a certificate indicating the construction plans have been released and construction of the improvement is thereafter authorized. Additional certificates may be issued by the City Engineer authorizing the construction of private utilities on a phased schedule. The certificate shall read as follows:

"The preliminary plat for (insert name of the subdivision or addition) as approved by the City of Durant Planning Commission on (insert date of approval) is authorized for use with engineering plans for the construction of public improvements as approved by the City Engineer. A final plat shall be approved by the Planning Commission upon the completion of all public improvements or the provision of a subdivision improvement agreement under the terms of the Subdivision Ordinance and submission of a final plat in compliance with Section 3.6 of the Subdivision Ordinance of the City of Durant.

Zoning regulations that affect exterior appearance of a single-family house or the landscaping of a single-family lot and that are adopted after approval of a preliminary plat for a single-family residential development, shall not apply for a period of two years from the latter of the date of plat approval or the date of the acceptance of public improvements related to the plat."

(7) *Lapse of Preliminary Plat Approval.* The approval of a preliminary plat shall be effective for a period of two (2) years from the date that the preliminary plat is approved by the Planning Commission or the City Council, at the end of which time the applicant must have submitted and received approval for a final plat. If a final plat is not submitted and approved within two (2) years, or an extension is not granted in accordance with these regulations, the preliminary plat approval shall be null and void, and the applicant shall be required to submit a sketch plat for review subject to the then existing zoning restrictions and subdivision regulations.

(H) *Construction Plan Procedure and Requirements:*

(1) *General Application Requirement.* Construction plans shall be prepared by or under the supervision of a professional engineer or architect registered in the State of Oklahoma as required by state law governing such professions. Plans submitted for review by the city shall be dated and bear the responsible engineer's or architect's name, serial number and the designation of "engineer," "professional engineer," or "P.E." or "architect" and an appropriate stamp or statement near the engineer's or architect's identification, stating that the documents are for preliminary review and are not intended for construction. Final plans acceptable to the city shall bear the seal and signature of the engineer or architect and the date signed on all sheets of the plans. Public works construction in streets, alleys or easements which will be maintained by the city shall be designed by a professional engineer registered in the State of Oklahoma.

(2) *Construction Plan Review Procedure.* Copies of the construction plans, and the required number of copies of the plat shall be submitted to the City Engineer for final approval. The plans shall contain all necessary information for construction of the project, including screening walls and other special features. All materials specified shall conform to the design standards of the city. Each sheet of the plans shall contain a title block including space for the notation of revisions. This space is to be completed with each revision to the plan sheet and shall clearly note the nature of the revision and the date the revision was made. The City Engineer will release the plans for construction, after approval of the preliminary plat by the Planning Commission and payment of all inspection fees. Upon such release, each Contractor shall maintain one set of plans, stamped with city release, on the project at all times during construction. This procedure shall also apply to approval of a final plat, if a preliminary plat is omitted.

(3) *Failure to Commence Construction.* If construction has not commenced within one (1) year after approval of the plans, resubmittal of plans may be required by the City Engineer for meeting current standards and engineering requirements. "Construction" shall mean installation of city maintained public improvements.

§ 156.044 FINAL PLAT.

(A) *Purpose.* The purpose of the final plat is to create a record document which accurately describes the subdivided land, both as to accurate dimensions, and as to legal provisions which are pertinent to the subdivision. Much of the reason for this step is to make the transfer of the land more simple and certain. Land sales by reference to a legally filed plat are generally less complicated and more likely to provide the precise legal situation sought. The certainty of such sales derives from the assurance of an accurate survey and processes designed to assure the provision of facilities necessary to service the land.

(B) At the time the final plat and final plat checklist are submitted to the Community Development Department, the subdivider shall take one of the following courses of action:

(1) If the subdivider elects to, deposit the surety bond as specified in § 156.026, he or she shall submit plans for all improvements required under this chapter, such plans to bear the approval of the Planning Commission. Upon completion of a portion of the construction of the required improvements, the Planning Commission may release a portion of the surety bond in the amount of the costs of the constructed improvements, as estimated by the Planning Commission, Secretary or municipal staff. Before any portion of the surety bond may be released, the City Engineer, City Building Inspector or City Manager shall approve the as-built plans and

specifications for that portion of the improvements for which the subdivider has requested release of the surety bond;

(2) If the subdivider elects to complete all improvements as specified in the preliminary plat, he or she shall submit the as-built specifications and as-built original tracings of all improvements. If the Secretary of the Planning Commission finds that the as-built plan and specifications comply with requirements, and that the actual construction is as shown in the plans and specifications, he or she shall endorse his or her approval thereon.

(C) All actions of the Planning Commission, whether approving final plats for all or part of an area shown in a preliminary plat shall, in so far as the plat involves dedications to the public, constitute only an authorization for the subdivider to submit the plat to the City Council to which the dedications are proposed. Such Planning Commission actions shall not constitute an acceptance of dedication or a commitment to accept dedication.

(C) *Applicability.* A final plat shall be required for subdivisions of property and the recording of single lots in accordance with these regulations.

(D) *Application Procedure and Requirements.* A final plat for minor subdivisions may be approved by the Community Development Director. A final plat for a major subdivision shall require approval by the Planning Commission. Final plats shall comply to the preliminary plat where applicable. The application shall be accompanied by the following:

(1) Four (4) mylar and (4) paper copies of the proposed final plat bearing all information specified in these regulations and the following:

(a) The final plat shall be clearly and legibly prepared by a Surveyor or Engineer. The size of the map shall not be less than 22 inches by 34 inches and shall be drawn to the scale of one inch equals 100 feet, unless the Community Development Director authorizes a different scale in writing.

(b) *Notice Statement.* "Notice: Selling a portion of this addition by metes and bounds is a violation of city ordinance and state law and is subject to fines and withholding of utilities and building permits."

(c) Name of subdivision and the name and number of any larger subdivision of which this tract now subdivided was once a part.

(d) Number of lots and the acreage platted

(e) *Boundary Lines.* The boundary lines with accurate distances and bearings and the exact location and width of all existing or recorded streets intersecting the boundary of the tract.

(f) *Bearing Distances.* True bearings and distances to the nearest established street lines and monuments, which shall be accurately described on the plat

(g) *Property Offered For Dedication.* The accurate outline of all property which is offered for dedication for public use, and of all property that may be reserved by covenant in the deeds for the common use for the common use of the property owners in the subdivisions, with the purpose indicated thereon.

(h) The exact layout including:

(i) Street and alley lines, including their names, bearings, angles of intersection and widths (including widths along the line of any intersecting street):

(ii) The length of all arcs, radii, internal angles, points of curvature, length, and bearings of the tangents.

(iii) All easements for rights-of-way provided for public services or utilities and any limitations of the easements.

- (iv) All lot numbers and lines with accurate dimensions in feet and hundredths of feet and with bearings and angles to street and alley lines.
- (v) The location of the centerline of creeks or drainage ways with accurate dimensions in feet and hundredths of feet with bearings and angles.
- (i) The accurate location, material, and size of all monuments approved by the City Engineer.
- (k) Building setback lines for residential properties.
- (k) Special restrictions including, but not limited to, drainage and floodway, fire lanes, and screening.
- (l) In case the subdivision is traversed by water course, channel, stream, or creek, the prior or present location of such water course, channel, stream, or creek shall be shown on the plat and the boundary of the regulatory flood and the ten (10) year flood. It will be assumed that there is no significant difference between the two (2) and the regulatory flood will be used, unless the owner shows the ten (10) year flood on the map.
- (m) North point, scale, and date.
- (n) Legal description according to the real estate records maintained by the County Clerk's office and area calculations.
- (o) Location by section, town, range, township, county and state.
- (p) Title of document and a vicinity sketch drawn to a scale of a maximum of 2,000 feet to the inch.
- (2) Formal irrevocable offers of dedication to the public of all streets, local government uses, utilities, parks, and easements, in a form approved by the City Attorney. The plat shall be marked with a notation indicating the formal offers of dedication.
- (3) The improvement agreement and security, if required, in a form satisfactory to the City Attorney and in an amount established by the Planning Commission upon recommendation of the City Engineer and shall include a provision that the property owner shall comply with all the terms of the final plat approval as determined by the Planning Commission.
- (4) As-built construction plans, where applicable.
- (5) Covenants and deed restrictions, if any.
- (5) Accurate legal description.
- (6) Certification by a Registered Public Surveyor to the effect that the plat represents a survey made by him and that all the monuments shown thereon actually exist, and that their location, size, and material description are correctly shown, and that the survey correctly shows the location of all visible easements and rights-of-way and all rights-of-way, easements and other matters of record affecting the property being platted.
- (7) The County Clerk's Office and applicable state statutes may require additional information to be submitted or included on the final plat
- (E) *Standards for Approval.* No final plat shall be approved by the Community Development Director, the Planning Commission or the City Council unless the following standards have been met:
 - (1) The plat substantially conforms to the preliminary plat.
 - (2) Required public improvements have been constructed and are ready to be accepted, and/or an improvement agreement has been accepted by the city providing for the subsequent completion of improvements.
 - (3) The plat conforms to applicable zoning and other regulations.
 - (4) Provision has been made for adequate public facilities under the terms of this ordinance.

(5) The plat meets all other requirements of this ordinance.

(F) *Approval Procedure.* After review of the final plat, the Community Development Director shall place the final plat for consideration on the agenda of a public meeting of the Planning Commission. Minor plats may be approved by the Community Development Director or referred to the Planning Commission in accordance with these regulations. In the event of disapproval, reasons for disapproval shall be stated. One copy of the final subdivision plat shall be returned to the applicant with the date of approval, conditional approval or disapproval noted on the final plat, and, if the final plat is disapproved, the reasons for disapproval accompanying the final plat.

(G) *Appeals.* If the Planning Commission disapproves the final plat, the applicant may appeal to the City Council in the manner prescribed in these regulations.

(H) *Certificate of Compliance.* Upon final approval of a final plat required by these regulations, the Planning Commission shall issue to the person applying for approval a certificate stating that the final plat has been approved by the Planning Commission and/or the City Council. For purposes of this section, final approval shall not occur until all conditions of approval have been met.

(I) *Signing and Recording of Final Plat.*

(1) When an improvement agreement and security are required, the Chairman of the Planning Commission, or the Mayor, if approval has been granted by the City Council, and the Community Development Director or City Engineer shall endorse approval on the final plat after the agreement and security have been approved by the Planning Commission, and all the conditions pertaining to the final plat have been satisfied.

(2) When installation of public improvements is required prior to recordation of the final plat, the Chairman of the Planning Commission or the Mayor, if the plat has been approved by the City Council, and Community Development Director or City Engineer shall endorse approval on the final plat after all conditions of approval have been satisfied and all public improvements satisfactorily completed. There shall be written evidence that the required public improvements have been installed in a manner satisfactory to the city as shown by a certificate signed by the City Engineer stating that the necessary dedication of public lands and installation of public improvements has been accomplished.

(3) It shall be the responsibility of the applicant to file the final plat with the County Clerk. Simultaneously with the filing of the final plat, the applicant shall record such other agreements of dedication and legal documents as shall be required to be recorded by the City Attorney. The final plat, bearing all required signatures, shall be recorded after final approval and within ten working days of its receipt. One (1) copy of the recorded final plat shall be returned to the City prior to the issuance of any building permits.

(J) *Effect of Approval.* Approval of a final plat shall certify compliance with the regulations of the City of Durant pertaining to the subdivision of land. An approved and signed final plat may be filed with the County as a record of the subdivision of land and may be used to reference lots and interests in property thereon defined for the purpose of conveyance and development as allowed by these regulations.

(K) *Lapse of Final Plat Approval.* The approval of a final plat shall be effective for a period of six (6) months from the date that the final plat is approved by the Planning Commission or the City Council, at the end of which time the applicant must have met the requirements for recording of the final plat with the County Clerk. If the applicant has not met the requirements for recording of the final plat with the County Clerk within six (6) months, or an extension is not granted in accordance with these regulations, the final plat approval shall be null and void, and the applicant shall be required to submit a new plat for review subject to the then existing zoning restrictions and subdivision regulations. No Certificate of Occupancy or Change of Occupancy permit will be allowed for the property until the applicant has met the requirements for filing of the final plat with the County Clerk.

§ 156.045 CONVEYANCE PLATS (NEW)

(A) *Purpose.* A conveyance plat may be used solely for the purpose of subdividing land and the recording of same, or recording a single existing lot or parcel created by other means. A conveyance plat may be used to convey the property or interests therein; however, a conveyance plat does not constitute approval for development of the property and is not intended for immediate development. A conveyance plat is an interim step in the subdivision and development of land.

(B) *Applicability.* Conveyance plats may be used in lieu of a final plat to record the subdivision of property in the following instances:

(1) To record the remainder of a tract larger than five acres created by the final platting of a portion of the property provided that the remainder is not intended for immediate development.

(2) To record the subdivision of property into parcels five acres or smaller in size that are not intended for immediate development, and where all public improvements exist prior to approval and minimum frontage requirements are met. All public rights-of-way must be dedicated and all abutting streets and utilities must be installed and accepted by the city. Installation of on-site improvements may be delayed if development of other tracts is not affected.

(C) *Application Procedure and Requirements.*

(1) *Application Requirements.* The property owner shall submit an application, together with other supporting documents and fees, to the Community Development Director by an official submittal date. A conveyance plat and associated documents shall include all information required for a final plat and the additional information listed below:

(a) Construction plans shall not be required except where street, utility and drainage improvements are proposed by the owner. Construction plans, easements, and dedications as appropriate shall be submitted concurrent with the conveyance plat or any subsequent replat. The construction plans, if any, shall be prepared by or under the supervision of a professional engineer registered in the State of Oklahoma and shall bear his seal on each sheet.

(b) All conveyance plats must be titled "Conveyance Plat" and carry the following wording:

"A conveyance plat is a record of property approved by the city for the purpose of sale or conveyance in its entirety or interests thereon defined. No building permit shall be issued nor permanent public utility service provided until a final plat is approved, filed of record and public improvements accepted in accordance with the provisions of the Subdivision Regulations of the City of Durant. Selling a portion of this property by metes and bounds, except as shown on an approved, filed and accepted conveyance plat, final plat or replat is a violation of the city Ordinance and State Law."

(2) *Standard for Approval:*

(a) *Access.* All tracts, parcels, lots or sites created by a conveyance plat shall have frontage and access to an existing or proposed public street defined in the City's Comprehensive Plan or an existing standard street meeting city construction standards and accessing the existing city street system.

(b) *Reservation of Rights-of-Way.* Conveyance plats must provide for the reservation of future rights-of-way of planned roadways. Right-of-way reservation acknowledges the future obligation to dedicate right-of-way for public thoroughfares and streets specified in the city's Comprehensive Plan or approved land study. Reservation of right-of-way does not grant any right or interest in the property to the city or other entity. The final alignment may be adjusted upon final platting in order to meet engineering design standards.

(c) *Dedication of Rights-of-Way.* Dedication of right-of-way shall be required where a conveyance plat is used to record the remainder of a tract created by the final platting of a portion of the property. The required right-of-way dedication shall be limited to that which is necessary to provide access to the property proposed for final plat approval and to complete turn lanes, intersections and transitions in road pavement width resulting from development of the property proposed for final plat approval.

(3) *Approval Procedure.* A conveyance plat meeting all requirements of the city may be placed on the consent agenda of the Planning Commission. Conveyance plats shall be approved provided they comply with all appropriate ordinances and the Comprehensive Plan. The Planning Commission must approve, conditionally approve or deny a conveyance plat no later than 30 days from the date of application. If denied, the Planning Commission shall provide a written explanation of the reason for denial. If the Planning Commission fails to approve or deny the application within 30 days of the official submission date, the conveyance plat shall be deemed approved. A conveyance plat qualifying as a minor plat shall be reviewed and acted upon by the Community Development Director in accordance with these regulations.

(4) *Signing and Filing:*

(a) After the approval of the conveyance plat by the Planning Commission, and the correction of the conveyance plat as required by the Planning Commission, the property owner may file the conveyance plat with the County. The owner shall file the conveyance plat within six months from the date of approval. Any conveyance plat which has not been filed with the County within six months of the date of approval shall be void. Prior to filing with the County the property owner may withdraw and void a conveyance plat. Any conveyance plat withdrawn and/or voided, must be resubmitted under current regulations and procedures and reapproved by the Planning Commission and filed with the County. Prior to filing, the Chairman of the Planning Commission or the Community Development Director shall endorse approval of the conveyance plat. One (1) copy of the recorded final plat shall be returned to the City within ten (10) days of filing.

(b) No final plat processed and approved in association with a conveyance plat shall be filed without the concurrent filing of the associated approved conveyance plat.

(5) *Effect:*

(a) Conveyance plat approval and acceptance by the city does not relieve the owner from obligations, including fees, required by other sections of this or other ordinances of the city pertaining to the improvement of the property or extension of services as required to make the property suitable for development.

(b) Neither reservation nor dedication of right-of-way shall relieve the property owner from obligations for street construction or assessments associated with public street improvement programs. Easements for access, utilities and drainage may be recorded on conveyance plats.

(c) *Final Platting Requirements*

(i) No building permits shall be issued nor permanent utility service provided for land which has only received approval as a conveyance plat. Notwithstanding the above, the Community Development Director may authorize temporary building permits, temporary occupancy permits, and temporary utility service.

(ii) A conveyance plat may be superseded by a preliminary plat or final plat in total or in part through compliance with the procedures and requirements of this ordinance.

(d) *Agricultural Use.* The use of a conveyance plat shall not prohibit the use of the subdivided land for agricultural uses as permitted in the zoning regulations of the city.

§ 156.046 DEVELOPMENT PLAT (NEW)

- (A) This section applies to the platting and development of any single parcel greater than five acres or the subdivision and development of any property into parts, each part being greater than five acres. The term "development" means the new construction or the enlargement of any exterior dimension of any building, structure, or improvement. The term "improvement" shall include the construction of a utility, road, parking, or drainage system. The term shall also apply to the grading of land or clearance of trees, except as may be permitted for valid agricultural use of the property.
- (B) A development plat must be prepared by a registered professional land surveyor as a boundary survey showing:
- (1) Each existing or proposed building, structure or improvement or proposed modification of the external configuration of the building, structure or improvement;
 - (2) Each easement and right-of-way within or abutting the boundary of the surveyed property; and
 - (3) The dimensions of each street, sidewalk, alley, square, park, or other part of property intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, sidewalk, alley, square, park, or other part; and
 - (4) Any additional information as required by this ordinance to apply for the approval of a plat
- (C) The requirements and standards for design, reservation, construction, completion, maintenance, cost participation and escrow for public improvements applying to the approval of a plat shall also apply to a development plat.
- (D) Development plats shall be processed under the same procedures and are subject to the same fees as apply to a plat. The procedures for a minor subdivision may be used when applicable.
- (E) A development plat shall be approved if it conforms to the following standards:
- (1) The general plans, rules, and ordinances of the city concerning its current and future streets, sidewalks, alleys, parks, playgrounds, and public utility facilities; and
 - (2) The general plans, rules, and ordinances for the extension of the city or the extension, improvement, or widening of its roads, streets, and public highways within the municipality.
- (F) New development may not begin on the property until the development plat is filed with and approved by the city. Approved development plats and other agreements of dedication and legal documents as required shall be recorded with the County Clerk by the applicant.

§ 156.047 LOT-SPLITS (REPLACES OLD LOT SPLIT 156.044)

- (A) *Application.* Whenever any lot split is proposed to be made, the owner or his agent shall submit to the Community Development Director an application for review and approval which shall consist of:
- (1) An application form as prescribed by the Community Development Director.
 - (2) Four copies of each certified survey prepared by a land surveyor registered in the State of Oklahoma, showing the dimensioned location of structures and easements thereon, together with the precise nature, location and dimensions of both of the following:
 - (a) The proposed new lot; and
 - (b) The remaining portion of the original lot after the split.
 - (3) The Community Development Director may require additional plat information regarding adjacent property, in order to ensure that future access needs can be met.
- (B) *Review and Action by Community Development Director.* Lot split requests shall be administered by the Community Development Director or their official designee. The Community Development Director shall not approve a lot split if:

- (1) A new public street or alley is needed; or
- (2) All easement requirements have not been satisfied; or
- (3) Substandard or unusable lots according to the subdivision, building, and zoning regulations would be created; or
- (4) The lot-split will create lots violating the "spirit" of the size of lots in the same and surrounding subdivisions; or
- (5) The lot has previously been split in accordance with these regulations (requires a minor subdivision).

(C) *Recording of Lot Split.* The lot split approval certificate and the survey plats for both new lots created shall be recorded with the County Clerk by the applicant within 7 days of approval by the Review Committee. One of the four copies shall be returned to the Community Development Department within 7 days of its recording with the County Clerk.

(D) *Appeal.* In the event of denial by the Community Development Director, the application for a lot split may be submitted to the Planning Commission, for a fee as set by the City Council by motion or resolution, as a regular agenda item for their review, modification, approval or denial. In the event of denial by the Planning Commission, the application for a lot split may be submitted to the City Council, for a fee, as a regular agenda item for their review, modification, approval or denial.

§ 156.048 REPLATTING OF LAND

(A) *Replat Required.* Unless otherwise expressly provided for herein, a property owner who proposes to replat any portion of an already approved final plat, other than to amend or vacate the plat, must first obtain approval for the replat under the same standards and by the same procedures prescribed for the platting of land by these regulations. The Community Development Director may waive or modify requirements for a sketch plat under circumstances where the previously approved sketch plat is sufficient to achieve the purposes set forth in these regulations.

(B) *Replatting Without Vacating Preceding Plat.* A replat of a final plat or portion of a final plat may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:

- (1) Is signed and acknowledged by only the owners of the property being replatted;
- (2) Is approved, after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard, by the Planning Commission; and
- (3) Does not attempt to amend or remove any covenants or restrictions previously incorporated in the final plat.

(C) *Additional Requirements for Certain Replats.*

(1) A notice of the public hearing shall be published in an official paper or a newspaper of general circulation in the city at least 15 days prior to the date of the public hearing. Notice shall be mailed to all owners of property located within 300 feet of the subject property as provided by a certified abstractor's list at the applicant's cost at least 20 days prior to the hearing;

(2) If the proposed replat requires a variance, and the owners of 20 percent or more of the area of lots to whom notice is required to be given under Subsection (b) file with the Planning Commission a written protest of the replatting before or at the hearing, approval of the replat will require the affirmative vote of four of the Planning Commission members. In computing percentages of ownership, each lot is considered equal to all other lots regardless of size or number of owners, and the owners of each lot are entitled to cast only one vote per lot. The area of streets and alleys shall be included in computing the percentage of land area.

(3) Any replat which adds or deletes lots must include the original lot boundaries.

§ 156.999 PENALTY.

(A) Except as provided in these regulations and lots of record established prior to the effective date of this ordinance, 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 chapter.

(B) Except as provided in these regulations and lots of record established prior to the effective date of this ordinance, the city shall withhold all public improvements and utilities, including the maintenance of streets and the provision of sewage facilities and water service, from all tracts, lots or additions, the platting of which has not been officially approved by the Community Development Director, the Planning Commission, or City Council and for which a certificate of compliance has not been issued pursuant to these regulations.

(B) A violation of this chapter shall be deemed an offense and shall be punishable as provided in § 10.99 and in accordance with applicable state law. Any person, partnership or corporation violating any of the provisions of this chapter upon conviction thereof shall be punished as provided in § 10.99.

(C) The city may issue citations to suspected violators of this chapter, which citations shall state the violation that is alleged, the time of the observation of the offense, any correction of the violation which is sought, the time allowable for the accomplishment of the correction and the further action which will be taken to seek remedy should correction not be accomplished. The issuance of such citations does not preclude the filing of charges in district court, nor shall the issuance of such citations be a mandatory process precedent to the filing of charges in district court.