

SECTION 1. GENERAL PROVISIONS

1.1 TITLE.

These Regulations shall hereafter be known, cited and referred to as the Subdivision Regulations of Catoosa, Oklahoma (hereafter referred to as "Subdivision Regulations" or "Regulations").

1.2 AUTHORITY.

1. The Catoosa, Oklahoma Planning Commission (hereafter referred to as "Planning Commission") pursuant to the powers and jurisdiction vested through O.S. Title 11, Section 45 and subsequent amendments thereto hereby exercises the power and authority to review, approve and disapprove plats and plans for the subdivision of land.
2. Any sale or contract of sale or agreement to purchase any lot or division of land, as defined in these Regulations, either by lot description or by metes and bounds, including contracts for deed, shall constitute a subdivision of land, and no such transaction shall be undertaken or instrument shall be recorded until or unless approved as required by the Planning Commission and the City Council as required by Oklahoma State Statutes, and as follows:
 - a. Such written approval shall be required by the Planning Commission attested to by its endorsement on the instrument of transfer.
 - b. If the owner or agent of the owner of any land transfers, sells, agrees to sell, or negotiates to sell any tract of land of less than ten (10) acres where the tract was not shown of record in the office of the County Clerk as separately owned and not located within a subdivision approved according to law and filed in the Office of the County Clerk prior to the affective date of these Regulations, shall not be recorded, and the deed or other instrument shall be void and impart no notice.

1.3 JURISDICTION.

These Subdivision Regulations shall apply to all subdivisions of land located within the incorporated areas of Catoosa, Oklahoma and in particular, the following:

1. The division of land into two (2) or more tracts, lots, sites, or parcels, any part of which, when subdivided, shall contain less than ten (10) acres in area; or
2. The division of land, previously subdivided or platted, into tracts, lots, sites or parcels of less than ten (10) acres in area; or
3. 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

4. The dedication or vacation of any street or alley through any tract of land regardless of the area involved.

1.4 PURPOSES.

These Regulations are adopted for the following purposes:

1. To provide measures and standards to facilitate the sustainable physical development of the incorporated areas of Catoosa, Oklahoma in accordance with the adopted Comprehensive Plan, the adopted Major Street and Highway Plan, the adopted Design Criteria for Stormwater, Erosion Control, Streets, Water and Sewer (Design Criteria), and all related regulations and requirements of Catoosa, Oklahoma;
2. To harmoniously relate the development of the various tracts of land to the existing development and facilitate the future development of adjoining tracts;
3. To provide the most beneficial relationship between the uses of land, buildings and the circulation of traffic throughout the City, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines;
4. To secure and provide for the proper arrangement of streets or other highways in relation to the existing or planned streets or highways or to the Comprehensive Plan or plans of the area for adequate and convenient open spaces for traffic, utilities, access for emergency response and public safety purposes, parking lots, parks, playgrounds, light and air, and for the avoidance of congestion of population;
5. To establish a subdivision process that is expeditious, efficient and as cost effective as possible, while providing for and protecting the public health, safety, and general welfare;
6. To provide that those costs of improvements which primarily benefit the tract of land being developed be borne by the owners or developers of the tract, and that those costs of improvements which primarily benefit the City as a whole be borne by the City; and
7. To establish adequate and accurate records of land subdivision.

1.5 CONFLICT AND SEVERABILITY.

1. Conflict with Public and Private Provisions.
 - a. Public Provisions. All regulations, codes, orders, resolutions or parts thereof in conflict with these Regulations are hereby repealed to the extent necessary to give these Regulations full force and effect.

- b. Private Provisions. These Regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these Regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these Regulations shall govern.
2. Severability. If any part or provision of these Regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered nor shall it affect or impair the validity of the remainder of these Regulations or the application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of these Regulations even without any such part, provision, or application.

1.6 SAVING PROVISION.

These Regulations shall not be construed as abating any action now pending under, or by virtue of prior existing Regulations, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the City under any section or provision existing at the time of adoption of these Regulations, or as vacating or annulling any rights obtained by any person, firm or corporation by lawful action of the City, except as shall be expressly provided for in these Regulations.

1.7 AMENDMENTS.

For the purpose of providing for the public health, safety and general welfare, the Planning Commission, with final approval from the City Council, may from time to time amend the provisions imposed by these Regulations. The Planning Commission, in the manner prescribed by law, shall hold public hearings on all proposed amendments.

1.8 CONDITIONS OF APPROVAL.

Regulations of the subdivision of land and the attachment of reasonable conditions to land subdivision are an exercise of valid police power delegated by the State of Oklahoma to the City. The subdivider has the duty of compliance with reasonable conditions laid down by the Planning Commission for design, dedication, improvement and restrictive use of the land so as to conform the physical and economic development of the City to the safety and general welfare of the future owners of realty in the subdivision and of the City at large.

1.9 WAIVER OF PLATTING REQUIREMENT.

1. The City Council, upon a recommendation of the Planning Commission, may waive the platting requirement upon a determination that the purposes and intent of these Regulations have been met by previous platting, have or will be achieved by other actions, or could not be achieved by a plat or replat.
2. If after consideration of the above criteria, a plat waiver is granted on unplatted property, a boundary survey shall be prepared by the applicant for the plat waiver. Said boundary survey shall be prepared in a recordable format and filed at the County Clerk's office as a condition of approval of the plat waiver and prior to issuance of a building permit on the subject property.

1.10 MODIFICATIONS.

1. General. The Planning Commission, where unusual topographical or other exceptional conditions require the same, and when the purpose of these Regulations may be served to the same extent, may modify these Regulations by an alternative proposal. The Planning Commission shall not approve a modification where the granting of the modification will be detrimental to the public safety, health, or welfare, or be injurious to other property or improvements, or where the same will impair the spirit, purposes, and intent of the Zoning Code or the Comprehensive Plan of the City. Any such modification is subject to final approval by the City Council. Only the Board of Adjustment may grant a variance of zoning regulations.
2. Conditions. In approving modifications, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these Regulations.
3. Procedures. A request for any such modification shall be submitted in writing by the subdivider at the time when the sketch plat, preliminary plat, or lot-split is filed for the consideration of the Planning Commission. The request shall state fully the grounds for the modification and all of the facts relied upon by the subdivider.
4. Approval. Such modifications shall be granted only by the affirmative vote of four-fifths (4/5) of the total number of members of the Planning Commission subject to the approval of the plat and acceptance of the dedications shown thereon by the City Council.
5. Exception. The City Planner may waive the requirement for a sketch plat or may allow the developer to submit a preliminary and final plat simultaneously where the nature of the development (e.g., one lot one block, etc.) indicates that such an exception would not otherwise be contrary to the intent of these Regulations; however, all such exceptions shall be subject to the final approval of the Planning Commission.

1.11 DEFINITION AND TENSE.

1. Definition. For the purpose of these Regulations, certain terms and words are to be used and interpreted as defined in Section 8, Definitions of these Regulations.
2. Tense. Words used in the present tense shall include the future tense, words in the singular number shall include the plural and words in the plural number shall include the singular, except where the natural construction of the writing indicates otherwise. The word "should" is directory and not mandatory. The word "shall" is mandatory and directory.

1.12 MINIMUM STANDARDS AND DESIGN CRITERIA.

1. In enacting various provisions of these Regulations, and in promulgating any rules or regulations which may be made necessary in order to carry out the purpose of these Regulations, the City Council is setting forth certain minimum standards for construction which shall not be violated in the construction of any public improvements. By setting forth these minimum standards, neither the City as an entity nor any of its staff is making any representations, warranties or assurances that these minimum designs are sufficient.
2. Any person owning such land or developing land within the incorporated areas of Catoosa shall rely upon their own design professional to design facilities, whether public or private, which are capable of providing the services required of such public or private facilities, and which are adequate under all reasonably foreseeable circumstances for the purposes intended.
3. When the City staff examines proposals or construction plans for conformity with these Regulations, such review is being performed to determine whether or not the minimum standards will be met. The approval of such plans does not represent, warrant, or assure any person that the designs are adequate for the purposes intended. Neither the enactment of these Regulations nor review of improvements to be constructed or proposed under these Regulations shall in any manner create liability for the City or the City staff.

1.13 CONDITIONS FOR ISSUANCE OF A BUILDING PERMIT.

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 these Regulations.

1.14 ACCELERATED RELEASE OF BUILDING PERMITS.

1. In those cases where it is determined by the Building Inspector to be feasible and with prior approval by the City Council, building permits in residential subdivisions may be issued on an Accelerated Basis and prior to the completion of all required public and private improvements within the following guidelines:
 - a. The process for application for issuance of building permits may be approved by the City Council after recommendation by the Building Inspector.
 - b. The final plat shall be approved and filed of record.
 - c. In conjunction with submission of the final plat, final construction plans shall be submitted, reviewed, and approved without conditions.
 - d. Also in conjunction with submission of the final plat, performance bonds, or other such security acceptable to the City for installation of the required public improvements, shall be required in the amount of the improvement costs and accepted by the City Council.
 - e. A "Letter and Acknowledgement of Conditions" shall be prepared and signed by the Building Inspector and City Engineer, signed by the Building Permit applicant, and approved by the City Council thereby documenting the conditions of approval for the Accelerated Release. Said letter shall include a checklist of conditions and statements holding the City of Catoosa harmless from any liability or damages which may arise from the approval of the Accelerated Release of such building permits.
 - f. No Certificate of Occupancy or final inspection shall be made on any house and no connection to utilities allowed until all infrastructure improvements are completed and accepted by the City Council, which includes water, sanitary and storm sewer, drainage and detention, sidewalks and streets.
 - g. No water tap or connection to the sanitary sewer system shall be allowed until all infrastructure improvements are completed and accepted and As Built plans are received, accepted and approved by the City Engineer.
 - h. Prior to acceptance of the infrastructure improvements by the City Council, the total number of Building Permits shall not exceed 10% of the total number of the lots in that particular phase, with phases as approved on the final plat of the subdivision.

2. If the Building Inspector finds that permits have been issued on an accelerated basis and the installation of the public improvements are not proceeding at a pace that will satisfy the Letter of Acknowledgement of Conditions signed by the developer/builder, such Accelerated Release may be revoked by the City Council upon recommendation by the Building Inspector.
3. The track record of the developer in satisfying such requirements in the past shall be a consideration as to whether Accelerated Release is approved on subsequent developments.
4. The Building Inspector shall be responsible for the initiation, administration and oversight of the Accelerated Release process.

1.15 VACATION OF PLATS.

1. No vacation of a plat or any part thereof, except by action of the district court, shall be valid or impart notice until after owners of record of such property consent, as prescribed by Oklahoma State Statutes Title 11 Section 42-103.B.
2. The request for vacation shall be certified and presented to the Planning Commission for review and recommendation and be subject to final approval by the City Council.
3. Each application for such plat vacation shall be submitted only on an individual applicant basis to the City Planner and be accompanied by all other required information described in the application and include the required application fee.
4. Upon approval and in order to become final, and only after approval by the City Council, said application shall be submitted to the district court for final action. If approved by the district court, the decree of said court shall be filed with the County Clerk and a copy of the filed plat vacation shall be delivered to the City Planner within 30-days of the date filed.

1.16 PREVIOUSLY PLATTED SUBDIVISIONS.

With regard to any subdivision which has received final plat approval and which has not yet installed all of the required subdivision improvements, and unless otherwise directed by the City Council, that subdivision shall be required to install such improvements in accordance with the following:

1. The Subdivision Regulations and Design Criteria in effect at the time of final plat approval; or
2. In compliance with the current Subdivision Regulations and Design Criteria.

1.17 PENALTY.

1. Any person, firm or corporation, who shall violate any of the provisions of these Regulations, or shall fail to comply therewith, shall be deemed guilty of an offense and shall be liable for a fine as provided herein. Each day of such violation shall constitute a separate offense. In addition to the remedies provided herein, the City may institute any other action or proceeding to enforce these Regulations as provided by local ordinances, regulations or Oklahoma State Statutes.
2. No construction shall commence or permit 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 these Regulations.
3. Whoever, being the owner or agent of the owner of any land within the area, transfers, or sells or agrees to sell, or negotiates to sell any land by reference to or exhibition thereof, or by other use of a plat of a subdivision or a contract for deed or other instrument before such plat or deed or instrument has been approved by the City and filed of record in the office of the County Clerk, or whoever, being the owner or agent of the owner of any parcel of ground, transfers, or sells or agrees to sell, or negotiates to sell any tract of land of less than ten (10) acres where such tract was not shown of record in the office of the County Clerk as separately owned at the effective date of the Regulations herein provided and not located within a subdivision approved according to law and filed of record in the office of the County Clerk, or if so located, not comprising at least one (1) entire lot as recorded, without first obtaining the written approval of the Planning Commission, including approval by the City Council, as applicable, by its endorsement on the instrument of transfer, or contract of sale or other agreement to transfer, shall be subject to the penalties provided below and such transaction shall be unlawful and shall not be recorded by the County Clerk.
4. A violation of these Regulations shall be deemed a misdemeanor and shall be punishable by fine. Any person, firm or corporation who violates or refuses to comply with any of the provisions of these Regulations shall be fined not less than five dollars (\$5.00) nor more than twenty dollars (\$20.00) including costs for each offense. Upon conviction, each day a violation continues to exist shall constitute a separate offense.

1.18 TIMEFRAME FOR APPROVAL OF PRELIMINARY PLATS.

Where only a portion of an approved preliminary plat is submitted for final plat approval, a final plat of the remaining area may be submitted at any time within two (2) years of the preliminary approval without payment of an additional preliminary plat filing fee by the subdivider, providing the final plat for the additional area conforms substantially with the approved preliminary plat.

1.19 APPLICATION AND REVIEW FEES.

1. In accordance with the Schedule of Fees adopted by the City Council, see Appendix A Filing Fees there shall be paid an application fee for each sketch plat, preliminary plat, final plat, lot-split, plat vacation and any such related matter. All fees for subdivisions located within the City shall be paid to the City Planner at the time of filing of a particular application.

2. Further, there shall be an engineering review fee paid at the time of submission of the application for a preliminary plat to the City, at which time all preliminary construction plans and deed of dedications and restrictive covenants shall be submitted for review and approval. Any fee above the base engineering review fee shall be determined by the City Council based on the actual cost of engineering review necessary to determine if the proposed application meets the City regulations. Any such additional fee above the base fee shall be due and paid prior to approval of the final plat.