



## **Subdivision and Development Regulations**

**Public Hearing Draft**

**February 2018**

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## ARTICLE 1. INTRODUCTORY PROVISIONS

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**1-010 OFFICIAL NAME (TITLE)**

The official title of these regulations is the “Tulsa Metropolitan Area Subdivision and Development Regulations,” hereinafter referred to as “these regulations.”

**1-020 AUTHORITY**

These regulations are adopted pursuant to the powers granted and limitations imposed by Oklahoma law, expressly including the statutory authority conferred by Title 19, Oklahoma Statutes, Sections 863.9 and 863.10.

**1-030 EFFECTIVE DATE**

These regulations become effective on April 23, 2018, except as otherwise expressly stated.

**1-040 JURISDICTION**

These regulations apply within the jurisdiction of the Tulsa Metropolitan Area Planning Commission.

**1-050 PURPOSES**

These regulations are adopted for the purposes of:

- 1-050.1** Protecting and promoting the public health, safety and general welfare;
- 1-050.2** Implementing the comprehensive plan and other adopted plans and policies;
- 1-050.3** Providing for orderly growth and land development;
- 1-050.4** Facilitating the creation of accurate records of the separate interests created and conveyed by the subdivision of land, thereby helping to protect private property rights;
- 1-050.5** Ensuring that lots proposed to be created are capable of being built upon in accordance with applicable regulations;
- 1-050.6** Promoting sustainable land development practices;

- 1-050.7** Ensuring that the city and county are well-positioned to retain and attract employment growth and economic development activities by addressing a wide range of considerations, including wise use of fiscal resources and quality-of-life considerations;
- 1-050.8** Ensuring that city and county land development practices, procedures and processes are regionally and nationally competitive; and
- 1-050.9** Establishing review and approval procedures that are as expeditious, efficient and cost-effective as possible, while at the same time ensuring careful and competent review.

<b>1-060</b>	<b>MINIMUM REQUIREMENTS</b>
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- 1-060.1** These regulations represent minimum requirements deemed necessary to carry out the stated purposes of [1-050](#).
- 1-060.2** In addition to these regulations, all development subject to these regulations must comply with all other applicable ordinances, laws and regulations, expressly including:
- A.** Building codes, zoning codes, flood protection regulations, and all other applicable laws and standards of the city and county; and
  - B.** All applicable laws, rules, and regulations of the federal government and the State of Oklahoma and their duly constituted agencies.
- 1-060.3** All references in these regulations to other governmental regulations are for informational purposes only and do not constitute a complete list of such regulations. These references do not imply any responsibility for the planning commission to enforce regulations imposed by other government authorities.

<b>1-070</b>	<b>CONFLICTING PROVISIONS</b>
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**1-070.1 Conflict with State or Federal Regulations**

If these regulations are inconsistent with state or federal law, the more restrictive provision governs, to the extent allowed by law. The more restrictive provision is the one that imposes more stringent controls.

**1-070.2 Conflict with Other Local Regulations**

If these regulations are inconsistent with one another or if they conflict with provisions found in other adopted local government ordinances or regulations, the more restrictive provision governs unless otherwise expressly stated. The more restrictive provision is the one that imposes more stringent controls.

**1-070.3 Conflict with Private Agreements and Covenants**

These regulations do not abrogate or annul any easement, covenant, deed restriction or other agreement between private parties. If these regulations impose a greater restriction than imposed by an agreement or covenant among private parties, these regulations govern. The

planning commission is not responsible for monitoring or enforcing agreements or covenants among private parties.

## **1-080 RULES OF LANGUAGE AND CONSTRUCTION**

### **1-080.1 Meanings and Intent**

Words and terms expressly defined in these regulations including those defined in [ARTICLE 15](#) have the specific meanings assigned unless the context indicates another meaning.

### **1-080.2 City and County References**

As established in [1-040](#), these regulations apply in the City of Tulsa and unincorporated Tulsa County. Whenever reference is made to the city or county or city or county officials, such references are intended to apply to the government, agency or official with jurisdiction over the subject property or subject matter.

### **1-080.3 Public Officials and Agencies**

- A.** References in these regulations to the “planning commission” are references to the Tulsa Metropolitan Area Planning Commission, which is established as a City-County cooperative planning commission pursuant to Section 863.1 et. seq. Title 19, Oklahoma Statutes.
- B.** References in these regulations to the “land use administrator” are references to the head of the land development services division of the Indian Nations Council of Governments (INCOG).
- C.** References in these regulations to the “county engineer” are references to the county engineer of Tulsa County.
- D.** References in these regulations to the “city engineer” are references to the director of engineering services of the City of Tulsa.
- E.** All other employees, public officials, bodies, and agencies to which references are made are those of the City of Tulsa or Tulsa County, unless otherwise expressly stated.

### **1-080.4 Computation of Time**

- A.** References to “days” are to calendar days unless otherwise expressly stated. References to “business days” are references to regular city or county government working days.
- B.** The time in which an act is to be completed is computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday or holiday observed by the city or county, that day is excluded.
- C.** A day concludes at the close of business. Any materials received after the close of business will be considered to have been received the following day.

### **1-080.5 Tenses and Usage**

- A.** Words used in the singular include the plural. The reverse is also true.

- B. Words used in the present tense include the future tense. The reverse is also true.
- C. The words “must,” “will,” “shall” and “may not” are mandatory.
- D. The word “may” is permissive, not mandatory or required.
- E. When used with numbers, “up to x,” “not more than x” and “a maximum of x” all include “x.”
- F. The word "person" includes a firm, association, organization, partnership, limited liability company, trust, or corporation, as well as an individual.
- G. The words “used” and “occupied” include “intended, designed or arranged to be used or occupied.”

#### **1-080.6 Conjunctions**

Unless the context otherwise expressly indicates, conjunctions have the following meanings:

- A. “And” indicates that all connected items or provisions apply; and
- B. “Or” indicates that the connected items or provisions may apply singularly or in combination.

#### **1-080.7 Headings and Illustrations**

Headings and illustrations are provided for convenience and reference only and do not define or limit the scope of any provision of these regulations. In case of any difference of meaning or implication between the text of these regulations and any heading, drawing, table, figure or illustration, the text governs.

#### **1-080.8 Versions and Citations**

All references in these regulations to other city, county, state or federal regulations are to be construed as referring to the most up-to-date version and citation for those regulations, unless otherwise expressly indicated. When the referenced regulations have been repealed and not replaced by other regulations, requirements for compliance are no longer in effect.

#### **1-080.9 Lists and Examples**

Unless otherwise expressly indicated, lists of items or examples that use “including,” “such as,” or similar terms are intended to provide examples only. They are not to be construed as exhaustive lists of all possibilities.

#### **1-080.10 Delegation of Authority**

Whenever a provision appears requiring the head of a department or another local government officer or employee to perform an act or duty, that provision will be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority. Delegation of authority is not allowed when these regulations expressly prohibit such delegation.



**1-090 TRANSITIONAL PROVISIONS****1-090.1 Applications Submitted Before Effective Date**

Complete applications for approvals required under these regulations that are pending approval before the effective date specified in 1-030 must be reviewed and approved in accordance with the subdivision regulations in effect immediately before the effective date specified in 1-030. Incomplete applications submitted before the effective date specified in 1-030 will not be reviewed until they are complete. Once complete, the application must be reviewed and approved in accordance with the regulations in effect at the time that the application is deemed complete.

**1-090.2 Permits Issued Before the Effective Date**

Any building, structure or other activity for which a building permit was issued before the effective date specified in 1-030 may be completed in conformance with the issued building permit and other applicable permits and conditions, even if such building, structure or activity does not fully comply with provisions of these regulations. If the permitted construction or activity is not commenced and diligently pursued within the time allowed under the original permit or any extension granted, then the building, structure or other activity is subject to compliance with these regulations.

**1-090.3 Previous Violations**

The adoption of these regulations does not affect nor prevent any pending or future prosecution of, or action to abate, violations of the previous subdivision regulations that occurred before the effective date specified in 1-030.

**1-100 ADOPTION AND AMENDMENTS**

An affirmative vote of a majority the full membership of the planning commission is required to adopt or amend these regulations.

**1-110 SEVERABILITY**

If any portion of these regulations is held to be invalid or unconstitutional by a court of competent jurisdiction, that portion is to be deemed severed from the remaining regulations and does not affect or diminish the validity of the remaining regulations.

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## ARTICLE 5. DESIGN AND IMPROVEMENTS

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<b>5-010    APPLICABILITY</b>
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Except as otherwise expressly stated, the design and improvement regulations of this article apply to all:

- 5-010.1** Land divisions;
- 5-010.2** Activities expressly identified in Section 70.080-B of the Tulsa zoning code; and
- 5-010.3** Activities expressly identified in Section 260 of the Tulsa County zoning code.

<b>5-020    REQUIRED INFRASTRUCTURE AND PUBLIC IMPROVEMENTS</b>
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- 5-020.1** Except as otherwise expressly stated, developers are responsible for the construction and installation of infrastructure and public improvements in accordance with the regulations of this article. Required infrastructure and improvements must comply with all applicable design criteria and standard specifications.
- 5-020.2** All improvements must be designed and installed to provide for a logical inter-connected system of infrastructure and to create continuity of improvements that will facilitate land development on adjacent properties.

- 5-020.3** If a developer files a final plat for only a portion of a development for which a preliminary subdivision plat was approved, the infrastructure and improvements required to be constructed, installed, and maintained are those improvements that the city or county engineer reasonably deems necessary to serve the lots shown on the final plat.
- 5-020.4** A developer may seek formal acceptance of improvements to be dedicated to the public after all the following have occurred:
- A.** The developer has submitted all required record plans for such improvements to the city or county engineer;
  - B.** The city or county has conducted field inspections to ensure that improvements are installed and constructed in accordance with the submitted record plans; and
  - C.** The owner has certified that there are no liens against the subject property.
- 5-020.5** Unless otherwise expressly stated, the developer is responsible for maintenance of all required infrastructure and improvements, including rights-of-way, to the standards of these regulations until the city or county, another unit of government, a property owners association, or other legal entity assumes actual responsibility for maintenance of the infrastructure and improvements (see [5-200](#)). Final plats must include the developer's signed acknowledgement of this maintenance responsibility.

<b>5-030</b>	<b>BLOCKS</b>
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**5-030.1 General**

The size and shape of blocks must be suitable for the proposed development and be laid out in a pattern that ensures the connectivity of streets and nonmotorized travel routes and provides for efficient provision of public and safety services.

**5-030.2 Depth**

Blocks must have a depth that accommodates at least 2 rows of lots, except when reverse frontage along major streets is provided or when prevented by topographic conditions or other physical constraints, such as property size or location next to railroads, water bodies or public parks or open spaces.

**5-030.3 Length**

- A.** To provide safe and convenient motorized and nonmotorized travel routes within and among neighborhoods and minimize out-of-direction travel, blocks within new residential subdivisions may not exceed the maximum block lengths established in [Table 5-1](#).

**Table 5-1: Maximum Block Lengths**

Block Type	Maximum Block Length	Maximum Block Length
	Without Mid-Block Ped Connection (PL to PL, feet)	With Mid-Block Ped Connection (PL to PL, feet)
Urban	700	900
Suburban	1,000	1,300
Rural	1,500	1,600

**Table 5-1 Notes**

[1] PL = Property Line (at end of block)

[2] Urban = blocks on which the mean lot width of all fronting lots is less than 60 feet

[3] Suburban = blocks on which the mean lot width of all fronting lots is at least 60 feet but less than 125 feet

[4] Rural = blocks on which the mean lot width of all fronting lots is 125 feet or more

Note: Lot widths must be measured in accordance with the lot width measurement definition of the applicable (city or county) zoning regulations.

- B.** Mid-block pedestrian connections must be located within 200 feet of the actual mid-point between intersecting streets and be in the form of a sidewalk, shared-use path, alley or similar alternative that provides ADA-compliant connection that minimizes out-of-direction nonmotorized travel.
- C.** The planning commission is authorized to approve exceptions to the block length and mid-block connection regulations of this section, in accordance with the modification procedures of [10-070](#). In order to approve such modifications, decision-making bodies must determine that the general modification approval criteria are met and that topography, natural resources (e.g., wetlands, woodlands, floodplains, wildlife habitats), existing development or other physical constraints make shorter block lengths or midblock connections undesirable or impractical or that it is unreasonable to impose otherwise applicable block length and mid-block connection regulations based on the existing pattern of development, or other relevant factors.
- D.** Decision-making bodies are authorized to condition modifications to the regulations of this section on the provision of traffic calming improvements, emergency vehicle access routes, and access features that provide safe and convenient motorized and non-motorized access to schools, playgrounds, shopping areas, transportation routes and other community facilities.
- E.** Block lengths are measured along the street frontage from property line to property line at opposite ends of the subject block.
- F.** The block length regulations of this subsection do not apply along major streets when the city or county engineer determines that access control policies or other safety or traffic management policies require longer block lengths. The regulations also do not apply to nonresidential subdivisions.

**5-040 LOTS****5-040.1 General**

The size, shape and orientation of lots must comply with applicable zoning regulations. When lots will not be served by centralized sewer or water service, lot dimensions and area must comply with the requirements of the Oklahoma Department of Environmental Quality.

**5-040.2 Flag Lots**

- A.** The creation of flag lots may be approved only through the modification procedures of [10-070](#) or the administrative modification procedures of [10-080](#), as applicable, when the authorized decision-making body determines that the modification approval criteria are met and that a flag lot design would:
- (1)** Limit direct access onto a major street;
  - (2)** Provide greater protection of sensitive natural resources areas;
  - (3)** Hide or conceal utility buildings/substations, or radio, television or telecommunication towers; or
  - (4)** Avoid substantial hardship to the subject property owner due to the property's topography or another such condition.
- B.** Decision-making bodies are authorized to impose conditions on the approval of a flag lot, including but not limited to requirements for shared driveways, maximum flag pole length, minimum street frontage and minimum flag pole width.

**5-040.3 Access to Lots****A. General**

Land must be divided in a way that affords each lot with access to a street that complies with the applicable provisions of these regulations.

**B. Access to Major Streets and Highways**

If a property with frontage along a major street or highway is proposed to be subdivided or developed, decision-making bodies are authorized to restrict access to the respective street or highway and require that the developer take one or more of the following actions:

- (1)** Create through lots that back onto the major street or highway and front onto and take access from a parallel street, coupled with the installation of a fence, wall or vegetative visual screen along the major street or highway frontage;
- (2)** Provide a frontage road separated from the major street or highway;
- (3)** Establish deed restrictions or other legally enforceable means of preventing private driveway access to the major street or highway;
- (4)** Provide a cross-access easement to abutting properties that front on the same major street or highway; or

- (5) Provide a mutual, reciprocal, non-exclusive easement (mutual access easement) to ensure perpetual access to the subject property.

#### 5-040.4 Reserve Areas

These regulations recognize that it may occasionally be necessary and in the public interest to create lots designated as reserve areas to be occupied by stormwater detention, common recreation, private rights-of-way or other similar uses, subject to the common area maintenance provisions of [5-200](#). If declared reserved for such purposes by restrictive covenants or other recorded legal documents approved by the city or county, reserve areas are exempt from the lot regulations of this section [5-040](#).

### 5-050 RESERVED

### 5-060 STREETS

#### 5-060.1 Applicability

The standards of this section apply to all streets unless otherwise expressly stated.

#### 5-060.2 Access

All lots created after the effective date specified in [1-030](#) must have an approved means of access to a public street or an approved private street that complies with the street standards of this section (see [5-040.3](#)).

- A. Reserve strips controlling access to streets are prohibited except where their control is placed with the city or county under conditions approved by the planning commission.
- B. When proposed lots abut an existing or proposed major street, the decision-making body is authorized to require one or more of the following:
  - (1) Non-access provisions controlling ingress and egress to the abutting major street;
  - (2) A reverse frontage with a non-access reservation along the rear lot line;
  - (3) A frontage road parallel to the major street.

#### 5-060.3 General Street Layout

- A. The arrangement and layout of all streets must conform to the comprehensive plan and the major street and highway plan unless otherwise expressly approved through the modification procedures of [10-070](#) or the administrative modification procedures of [10-080](#), as applicable.
- B. When streets are not shown on the comprehensive plan or the major street and highway plan, the arrangement and layout of new streets must:
  - (1) Create an integrated system of streets and nonmotorized transportation facilities that provide for safe and efficient access to lots and movement of people;

- (2) Provide for the efficient movement of through traffic by providing an interconnected network of streets and nonmotorized transportation facilities to avoid isolation of areas and over-reliance on major streets and highways; and
- (3) Be uncomplicated, so that emergency services, public services, and visitors can find their way to their intended destinations.

#### **5-060.4 Connectivity of Streets and Nonmotorized Travel Routes**

##### **A. Intent**

Connected streets and nonmotorized transportation routes helps ensure connected neighborhoods, diffusion and distribution of traffic among multiple travel routes, and easy access by public and emergency service vehicles.

##### **B. Requirement**

When new public streets or public nonmotorized transportation improvements are required to be constructed as part of a development, they must connect to similar public improvements within the development and be extended to the outer perimeter of the development so that they can be connected to similar public improvements in the future.

#### **5-060.5 Dead-End Streets**

##### **A. Temporary Dead-End (“Stub”) Streets**

- (1) Temporary turnarounds must be provided at the end of stub streets that are intended for extension when a subsequent phase of the development is completed or when the abutting property is developed if the stub street is more than 150 feet in length, as measured from the centerline of the intersecting street to the perimeter of the subdivision to which the stub street extends.
- (2) At the time that the temporary dead-end street is extended or connected to another street segment, any existing temporary turnaround must be removed by the developer responsible for extending the street. If for any reason the stub street is not extended, a permanent turnaround must be constructed by the subject developer on the (abutting) site being developed.
- (3) Stub streets must be clearly marked on plats and labeled “Future Street Extension.” In addition, developers must post an approved sign in the right-of-way of the stub street indicating that the temporary dead-end (stub) street is intended as a “Future Street Extension.”
- (4) The following notation must be incorporated into any plat showing a stub street: THIS STREET RIGHT-OF-WAY IS NOT INTENDED TO BE A PERMANENT DEAD-END STREET. IT IS PLATTED WITH THE INTENT OF BEING EXTENDED AND CONNECTED TO STREETS THAT MAY BE BUILT IN THE FUTURE, THEREBY PROVIDING ACCESS TO AND FROM ABUTTING PROPERTIES.



**B. Permanent Dead-End Streets**

- (1) All approved permanent dead-end streets must comply with International Fire Code standards.
- (2) Permanent dead-end streets may not exceed 750 feet in length measured from the centerline of the intersecting street to the center of the turn-around. If a modification of maximum length regulations is approved, decision-making bodies are authorized to impose one or more of the following conditions:
  - (a) Supplemental emergency vehicle access routes;
  - (b) A pedestrian access easement from the terminus of the dead-end street;
  - (c) A planted island with a pervious or bioretention landscaped area in the center of any cul-de-sac bulb; or
  - (d) Other requirements designed to ensure connectivity, decrease storm water runoff, or otherwise promote the purposes of these subdivision regulations.

**5-060.6 Right-of-Way Widths**

The minimum right-of-way width of all proposed streets must comply with the *Major Street and Highway Plan*, or if no width is specified on the *Major Street and Highway Plan*, the minimum width requirements of Table 5-2 apply. Alternative right-of-way widths may be approved through the modification procedures of [10-070](#) or the administrative modification procedures of [10-080](#), as applicable.

**Table 5-2: Minimum Right-of-Way Width for Streets Not Shown on Major Street and Highway Plan**

Street Type	Minimum ROW Width (feet)
Freeway	per ODOT Standards
Parkway	150
Primary Arterial	120 [1]
Secondary Arterial	100 [2]
Secondary Arterial Alternate	100 [2]
Special Trafficway	100
Residential Collector, Residential with open drainage (County), Commercial/Industrial Street	60
Commercial/Industrial Collector, Commercial/Industrial Street with open drainage (County)	80
Residential Street	50
Urban Arterial	70[3]
CBD Street	80

**Table 5-2 Notes**

- [1] Minimum ROW width of 130 feet required for right-turn lane on a primary arterial street at the major street intersection to extend at least 388 feet paralleling the right side of the primary arterial street, measured from the section line.
- [2] Minimum ROW width of 108 feet required for right-turn lane on a secondary arterial street at the major street intersection to extend at least 388 feet paralleling the right side of the secondary arterial street, measured from the section line.
- [3] Minimum right-of-way width of 80 feet (at least 40 feet on each side of centerline) is required at the major street intersection to extend a distance of at least 388 feet measured from the intersection line.

**5-060.7 Street Pavement Width, Construction and Design**

All streets must comply with pavement width, street surfacing, street design and storm drainage requirements established by the city or county engineer.

**5-060.8 Private Streets**

- A.** Private streets proposed in the unincorporated county require review and approval through the PUD rezoning process. Private streets proposed in the city require review and approval through the zoning code's mandatory or optional development plan procedures. Such streets are subject to all applicable regulations of this section.
- B.** Except as expressly approved as part of a PUD in the county or through approval of a mandatory or optional development plan in the city, private streets are prohibited in subdivisions of more than 20 acres in the City of Tulsa and in subdivisions of more than 40 acres in the unincorporated areas of Tulsa County.
- C.** Except as expressly approved as part of a PUD in the county or through approval of a mandatory or optional development plan in the city, private streets are prohibited if they will impede reasonable access to existing or future collector or major streets.
- D.** Except as expressly approved as part of a PUD in the county or through approval of a mandatory or optional development plan in the city, private streets must be constructed in accordance with the same regulations that apply to public streets and must include sidewalks and all street fixtures required for public streets.
- E.** Maintenance responsibility for private streets must be established in accordance with [5-200](#).
- F.** The cost of powering street lights along private streets is the sole responsibility of the property owners association or other legal entity responsible for perpetual maintenance (see [5-200](#)).
- G.** Private street entrances (at the gate) must have entrance and exit lanes, with lanes having a width of at least 14 feet. If covered, travel lanes must have a minimum vertical clearance of 14 feet.
- H.** Call boxes must be located at least 60 feet from the curb line of the public street from which the private street is accessed.
- I.** Private streets intersecting with public streets must have a vehicle turn-around area before any entrance gate that allows a passenger vehicle to complete a turn-around completely outside of the right-of-way of the intersecting public street.
- J.** Guaranteed access to all emergency vehicles must be provided at all entrances even in case of electrical power loss.
- K.** Gate designs, security systems and access controls must be reviewed and approved by the technical advisory committee before installation. Hard-tempered steel locks are prohibited.

**5-060.9 Street Intersections**

- A.** All street intersections involving arterial streets must be at right angles. The city or county engineer are authorized to approve intersection designs that are within 15 degrees of a right angle when reasonably determined to be necessary to address pedestrian and vehicle safety, topography or similar considerations.
- B.** Where there is an offset in the alignment of a street across an intersection on a major street, the centerline offset (jog) must be at least 125 feet. Alternative centerline offsets may be approved by the city or county engineer when reasonably determined to be necessary to address turn-lane stacking or traffic safety considerations.

**5-070 SIDEWALKS**

- 5-070.1** Sidewalks must be installed on both sides of all arterial streets and on both sides of all collector streets and residential (local) streets with curb and gutter. Decision-making bodies are authorized to require the installation of sidewalks in other locations, such as at the end of permanent dead-end streets when they determine that such sidewalks will create a logical and well-connected pedestrian circulation system.
- 5-070.2** Decision-making bodies are authorized to waive the requirement for sidewalk installation, in accordance with the modification procedures of [10-070](#), when they determine that the general modification approval criteria are met and that topography, natural resource constraints or other factors that are unique to the subject property make sidewalk installation impractical.
- 5-070.3** Except as provided in [5-070.4](#), sidewalks must be installed prior to issuance of a certificate of occupancy.
- 5-070.4** Sidewalk deferrals may be approved pursuant to any applicable fee-in-lieu options available in the city or county (see also Title 35, Section 602, Tulsa Revised Ordinances).
- 5-070.5** Sidewalks must be located inside the right-of-way line or in an alternative location approved by the city or county engineer.
- 5-070.6** All sidewalks must be constructed in accordance with the standards and specifications of the city or county, including sidewalk width requirements. When a sidewalk will provide a connection between existing sidewalks that are less than current required widths, the new sidewalk connection may be tapered to match the width of the sidewalk to which the connection is being made. This reduced width taper may not extend more than 7 feet from the point of connection and must comply with ADA requirements.

**5-080 TRAILS**

When a trail or trail extension, as identified in the comprehensive plan or a trails plan that has been adopted by the governing body, is located on the subject property, the decision-making body is authorized to require that an easement be provided for the trail.

**5-090 PROTECTION FROM FLOODING AND OTHER NATURAL HAZARDS**

- 5-090.1** All proposed land divisions, new development and redevelopment in a flood hazard area must be reviewed by the floodplain administrator to verify that:
- A.** The proposal is consistent with the need to minimize flood damage;
  - B.** All public utilities and facilities, such as sewer, gas, electric and water systems, are located and constructed to minimize or eliminate flood damage;
  - C.** Adequate drainage is provided to reduce exposure to flood hazards; and
  - D.** The proposal complies with all applicable federal, state and local flood-related building codes and watershed-floodplain development regulations.
- 5-090.2** The requirements of this subsection (~~5-090.2~~) apply to all land divisions, new development and redevelopment in a flood hazard area.
- A.** All plats, lot line adjustments and lot splits must show:
    - (1)** Flood hazard area boundaries (including floodways);
    - (2)** Design flood elevations; and
    - (3)** Current effective map panel information.
  - B.** All new building lots must be provided with adequate buildable area on naturally high ground outside of the flood hazard areas.
  - C.** All new building lots must be accessible by emergency vehicles during flood events by transportation routes with reasonably safe and dry access.
  - D.** The design of utilities and facilities must comply with all applicable floodplain regulations, building codes and drainage standards.
  - E.** Floodplain permits must be obtained before any development occurs in a flood hazard area.
  - F.** All flood hazard areas must be placed in a reserve area or overland drainage easement and preserved as open space.
- 5-090.3** Steep slopes or lands subject to subsidence or other natural hazards may not be platted or developed in such a way as to present a danger to life or property, or to the public health, safety, or general welfare.

**5-100 STORMWATER MANAGEMENT**

Developers are responsible for designing and installing stormwater management facilities in accordance with all applicable city and county requirements.

**5-110 LOW-IMPACT DEVELOPMENT (LID)**

City and county policies support subdivision designs that incorporate low-impact development best management practices for reducing runoff and mimicking a site's predevelopment hydrology by minimizing disturbed areas and impervious cover and then infiltrating, filtering, storing, evaporating, and detaining stormwater runoff close to its source. Low-impact development practices include

measures such as preserving undeveloped open space, biofiltration, reducing impervious cover and using porous pavement.

**5-120 RESERVED**

**5-130 WATER SUPPLY AND SEWAGE DISPOSAL**

**5-130.1 City of Tulsa**

- A.** Subdivisions within the corporate limits of the City of Tulsa must be served by a public drinking water supply approved by the Oklahoma Department of Environmental Quality.
- B.** The developer must provide an internal sanitary sewer collection system in accordance with Title 17 (Section 906), Tulsa Revised Ordinances.
- C.** Required sanitary sewer collection systems must be designed and constructed in accordance with the standards of the agency operating the system and be approved by the Oklahoma Department of Environmental Quality.
- D.** If an approved public sanitary sewer system is not required, pursuant to the criteria of 5-130.1B, the planning commission is authorized to allow the subdivision to be initially developed on private sewage disposal systems, subject to the following regulations:
  - (1)** In addition to installation of the private sewage disposal systems, the developer must install a sewer collection system within the subdivision that can be connected to an approved public sanitary sewer system when available and provide each lot in the subdivision with an individual sewer tap.
  - (2)** The approved sewage disposal system and taps must be designed and constructed in accordance with standards established by agency operating the system and the regulations of the Oklahoma Department of Environmental Quality.
  - (3)** All lots that will be initially served by individual on-site sewage disposal systems must comply with the minimum lot size requirements of the Oklahoma Department of Environmental Quality for on-site sewage disposal systems. These minimum lot size requirements may not be varied except by the agency having jurisdiction over the permitting of the proposed individual on-site sewage disposal systems.
  - (4)** The developer must submit restrictive covenants with the preliminary subdivision plat application relative to the installation and use of private sewage disposal systems and/or connection to the public sanitary sewer system.

**5-130.2 Unincorporated Tulsa County**

- A.** Subdivisions in unincorporated Tulsa County may be served by individual wells for drinking water in lieu of a public water supply in accordance with applicable regulations of the Oklahoma Water Resources Board and the Oklahoma Department of Environmental Quality.
- B.** The developer must provide an internal sanitary sewer collection system to serve each lot in the subdivision. The system must be designed and constructed in accordance with standards established by the agency operating the system and the regulations of the Oklahoma Department of Environmental Quality.
- C.** If an approved public sanitary sewer system is not reasonably accessible to the subdivision, as determined by the planning commission after review and recommendation by the technical advisory committee, the planning commission is authorized to allow use of private sewage disposal systems in accordance with the following regulations:
  - (1)** Individual on-site sewage disposal systems must comply with the requirements of the Oklahoma Administrative Code, Title 252, Chapter 641.
  - (2)** The developer is responsible for obtaining the applicable regulations of the agency having jurisdiction and complying with all applicable procedural and substantive requirements for the use of private sewage disposal systems.
  - (3)** All lots to be served by individual on-site sewage disposal systems must comply with the minimum lot size requirements of the Oklahoma Department of Environmental Quality for on-site sewage disposal systems. These minimum lot size requirements may not be varied except by the agency having jurisdiction over the permitting of the proposed individual on-site sewage disposal systems.
  - (4)** The developer must submit restrictive covenants with the preliminary subdivision plat application relative to the installation and use of private sewage disposal systems and/or connection to the public sanitary sewer system.

**5-140 UTILITIES**

- 5-140.1** Developers must make all necessary arrangements with respective utility providers for the installation of utilities, including gas, electrical, and communications service.
- 5-140.2** Overhead lines for the supply of electric, telephone, communication, and cable television services may be located within the perimeter easements of a subdivision. Street light poles or standards may be served by overhead line or underground cable. All other supply lines for electric, telephone, communication, cable television, natural gas and similar services must be located underground in easements dedicated for general utility services and in street-rights-of-way. Service pedestals

and transformers, as sources of supply at secondary voltages, may also be located in such utility easements.

- 5-140.3** No underground water, electric, gas, communication service or other similar utility may be placed within a storm or sanitary sewer easement, except for crossings, unless expressly approved by the city or county engineer.

#### **5-150 EASEMENTS**

- 5-150.1** Easements must be provided by the developer when review agencies and authorized decision-making bodies determine that such easements are necessary or desirable to accommodate utilities, drainage facilities (surface or subsurface), best management practices, pedestrian access, emergency vehicle access or other necessary facilities and improvements.
- 5-150.2** Utility easements with a width of up to 17.5 feet may be required around a subdivision perimeter.
- 5-150.3** Utility easements with a width of up to 11 feet (22 feet back-to-back) may be required along rear lot lines and side lot lines when necessary to accommodate utilities.

#### **5-160 STREET LIGHTS**

The city or county engineer is authorized to require the installation of street lights along streets. The location and type will be determined during the development review process based on guidelines established in the *American National Standard Practice for Roadway Lighting* (ANSI/IESNA RP-8-00).

#### **5-170 STREET SIGNS AND TRAFFIC CONTROL DEVICES**

All street signs, traffic control devices and related apparatus must comply with city or county standards.

#### **5-180 PERFORMANCE GUARANTEES AND SECURITY**

##### **5-180.1 Purpose**

Performance guarantee and security requirements are established to address those circumstances under which a developer wishes to receive final plat approval and record the approved final plat before installing required infrastructure and public improvements. The provisions help ensure that funding is in place to cover the cost of installing any required improvements that are not installed by the developer within a reasonable period of time after receiving final plat approval.

##### **5-180.2 Term of Agreement**

The term of a performance guarantee may not exceed 2 years. If the developer has not completed the required infrastructure and public improvements within the 2-year period, the land use administrator is authorized to approve one extension of up to 6 months in duration. Any additional extensions or extensions of a longer duration require approval of the planning commission. Decision-making bodies are authorized to require updated improvement cost estimates and additional security as a condition of any extension granted.



**5-180.3 Form and Amount of Security**

- A.** Security must be in the form of an irrevocable letter of credit, cash or other instrument readily convertible to cash, as approved by the city attorney or district attorney. The performance guarantee and security must be conditioned upon the performance of all work necessary to complete the required infrastructure and improvements.
- B.** The estimated total cost of any required infrastructure and improvements that have not been installed by the developer prior to recording of the approved final plat must be itemized by improvement type and certified by the developer's registered engineer. Cost estimates must be based on industry norms within Tulsa County.
- C.** The amount of the performance guarantee must equal at least 110% of the estimated total cost of all required infrastructure and improvements that have not been installed by the developer prior to recording of the approved final plat.

**5-180.4 Default and Use of Security**

If the developer fails to properly install required infrastructure and improvements within the term of the guarantee and any approved extension, the guarantee will be deemed in default. In the case of default, the city or county is authorized to draw or foreclose upon the security funds to fund completion of the required infrastructure and improvements or to contract for installation of the required infrastructure and improvements. If the cost of completing the required infrastructure and improvements exceeds the security amount, the developer is liable for all excess costs. Any security funds to be drawn upon or foreclosed will be subject to an administrative fee that reflects the city or county's actual costs associated with preparing bid documents and preparing and administering a contract for the work to be completed.

**5-180.5 Release of Security**

The security must be released once all the following occur:

- A.** The conditions of the performance guarantee have been completed to the satisfaction of all agencies with jurisdiction over the improvements.
- B.** Any required maintenance guarantee has been provided in accordance with [5-190](#);
- C.** A final inspection has been conducted by the city or county engineer or other qualified professional selected by the city or county engineer and retained by the developer;
- D.** Written evidence has been submitted that all owners of the infrastructure and improvements have accepted ownership of the improvements;
- E.** The developer has provided as-built or record plans showing monuments, streets, curbs, sidewalks and all other infrastructure and public improvements as they were installed; and
- F.** All required certifications of completion have been provided.



**5-180.6 Plat Vacation**

Vacation of the plat as provided by state statute removes the obligation to construct improvements and constitutes grounds for release of any remaining financial guarantee.

**5-190 MAINTENANCE GUARANTEES AND SECURITY**

Maintenance guarantees and financial security must be provided in accordance with applicable city or county regulations.

**5-200 PERPETUAL MAINTENANCE OF COMMON AREAS AND IMPROVEMENTS****5-200.1 Maintenance Obligation for Common Areas and Improvements**

- A. The obligation for perpetual maintenance of any common areas and public or private improvements within a development must be established by the developer and approved by the planning commission. Such obligation must be provided for in the plat, or for developments not required to be platted, by a deed restriction or other appropriate document recorded with the county clerk.
- B. If multiple property owners will be responsible for perpetual maintenance and control of common areas and public or private improvements, a property owners association must be established. Each property owner, by acceptance of a deed to a property within the development, will be deemed to have agreed to be a member of the property owners association and be subject to assessment for maintenance of the common areas and public or private improvements.
- C. If the entire development is to remain under single ownership, the common areas and public or private improvements must be maintained by the owner of the property.

**5-200.2 Declarations and Covenants**

- A. Declarations and covenants guaranteeing ongoing maintenance of common areas and public or private improvements must be established within a deed of dedication accompanying a plat or, for developments subject to these regulations but not required to be platted, by a deed restriction or other appropriate document recorded with the county clerk.
- B. The declarations and covenants must expressly authorize the city or county to correct maintenance deficiencies in areas containing public improvements that the property owner or property owners association is required to maintain, and to recover actual costs and any legal fees from the subject property owner or property owners association if maintenance duties are not carried out, and to establish and enforce a lien against the property in the development for recovery of the costs and fees.

**5-210 SURVEYS AND MONUMENTS**

Surveys and monuments must comply with the *Minimum Standards for the Practice of Land Surveying*, as promulgated by the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors.

**5-220 OIL AND GAS EXTRACTION SITES****5-220.1 General**

The general requirements of this subsection ([5-220.1](#)) apply in the city and county.

- A.** All abandoned, inactive wells must be properly plugged.
- B.** No building sites may be located within 125 feet of any existing active well or known well bore unless the planning commission approves a modification allowing a reduced setback after finding the reduced setback to be safe.
- C.** Access must be provided to unplugged wells for the purpose of maintenance and rework. Such access must be indicated on the plat.

**5-220.2 City Regulations**

Oil and gas wells and oil and gas well drilling operations within the City of Tulsa are subject to the regulations of [Title 42A](#) of the Tulsa Revised Ordinances.

**5-220.3 County Regulations**

The regulations of this subsection apply in the unincorporated county.

- A.** Well sites are prohibited in residential subdivisions of less than 10 acres in area.
- B.** There may be no more than one well site within the boundaries of a subdivision plat for each 20 acres of land covered by the plat.
- C.** The county engineer must approve the methods of drilling prior to the commencement of drilling operations.
- D.** Developers who own both the surface rights and all mineral rights may designate future well sites if there are no existing oil, gas or mineral leases of record.
- E.** When developers do not own all mineral rights, or if there are recorded oil and gas leases on the subject property, written notice must be sent to all parties who have an oil, gas, or mineral interest or recorded oil or gas lease, as indicated in the records of the county clerk. The required notice must inform parties of the intent to subdivide the subject property.
- F.** Interested parties have 30 days from the date that mailed notices are postmarked by U.S. Postal Service to respond. Responses must be in writing to both the developer and planning commission of the intent to drill for oil or gas in the future.
- G.** The developer and owners of leases or owners of mineral interests have an additional 120 days to agree upon the location of the well sites.
- H.** If the parties cannot agree on the location of the well sites, the planning commission, after public hearing, is authorized to select the well sites.

## ARTICLE 10. REVIEW AND APPROVAL PROCEDURES

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<b>10-010 INTENT</b>
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The provisions of this article are intended to establish clear, consistent, predictable and time-efficient procedures for approval of land divisions and for administering these regulations.

<b>10-020 GENERAL PROCEDURAL PROVISIONS</b>
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**10-020.1 Applicability**

The general procedural provisions of this section apply to all the procedures in this article unless otherwise expressly stated.

**10-020.2 Review and Decision-making Authority (Summary Table)**

[Table 10-1](#) provides a summary of the review and approval procedures of this article. In the event of conflict between this summary table and the detailed procedures contained elsewhere in this article, the detailed procedures govern.

**Table 10-1: Review and Decision-making Authority Summary Table**

Procedure	Preapplication Meeting	Land Use Administrator[1]	Planning Commission[2]	Public Notice
Exempt Land Divisions	Optional	DM	–	–
Subdivisions				
Preliminary Plat	Required	R	<DM>	Mail
Final Plat	Optional	DM[2]	–	–
Minor Subdivisions	Required	R	DM	–
Lot Splits and Adjustments				
Type 1	Optional	DM[2]	–	–
Type 2	Optional	R	<DM>	Mail
Modifications	Optional	–	<DM>	–
Administrative Modifications	Optional	DM	–	Mail
Change of Access	Required	DM	–	–

R = Review and recommendation | DM = Final decision-making authority | <> = Public hearing required

**Table 10-1 Notes**

- [1] Only the city council and board of county commissioners are authorized to accept public dedications.
- [2] Final plats, type 2 lot split/adjustments and change of access applications will be forwarded to planning commission for final decision if deemed appropriate by the land use administrator or if requested by applicant.

### **10-020.3 Pre-application Meetings**

- A.** Pre-application meetings provide an early opportunity for staff and applicants to discuss the procedures, standards and regulations affecting required approvals under these subdivision regulations.
- B.** Pre-application meetings are required whenever the provisions of these subdivision regulations expressly state that they are required. They are encouraged in all cases.
- C.** Pre-application meetings must be scheduled with the land use administrator.
- D.** The land use administrator is authorized to establish guidelines for pre-application meetings, including information to be provided and any available alternatives to face-to-face meetings, such as telephone conversations and email correspondence.

### **10-020.4 Applications and Fees**

#### **A. Authority to Submit Applications**

Applications for approval under the procedures of this section may be submitted by the owner of the subject property or another person who has the subject property owner's written consent.

#### **B. Form of Application**

Applications required under these subdivision regulations must be submitted in a form and in such numbers as required by the land use administrator. Applications must include materials and information to assist authorized review and decision-making bodies in their consideration of the application, including at least the following:

- (1)** A list of the names and addresses of all owners of record of the property that is the subject of the application; and
- (2)** Maps, plats, surveys, dimensioned site plans, engineering documents, environmental reports, traffic studies, and other materials and information, as required by these subdivision regulations or application checklists established by the land use administrator. Application forms and submittal requirements must be made available to the public.

#### **C. Application Fees and Notification Costs**

All applications must be accompanied by the application fee that has been established by the planning commission and by an amount to cover the costs of required public hearing notices and publication.

#### **D. Application Completeness, Accuracy and Sufficiency**

- (1)** An application will be considered complete and ready for processing only if it is submitted in the required number and form, includes all required information and is accompanied by the required application and notification fees.

- (2)** The land use administrator must determine whether the application is complete within 5 business days of application submittal.
- (3)** If an application is determined to be incomplete, the land use administrator must provide notice to the applicant along with an explanation of the application's deficiencies and identification of any actions that may be taken to keep the application in the same processing cycle. Notice of an incomplete application must be provided by email or personal service.
- (4)** Unless otherwise approved by the land use administrator, no further processing of incomplete applications will occur. When an application's deficiencies are corrected, the application will be placed in the first available processing cycle.
- (5)** Applications deemed complete must be promptly reviewed by staff and other review and decision-making bodies in accordance with applicable review and approval procedures.
- (6)** The land use administrator may require that applications and required submittals be revised before being placed on an agenda for possible action if the land use administrator determines that:
  - (a)** The application or required submittals contain one or more inaccuracies or omissions that hinder timely or competent evaluation of compliance with applicable regulations; or
  - (b)** The decision-making body does not have legal authority to approve the application.

#### **10-020.5 Application Processing Cycles**

The land use administrator is authorized to promulgate reasonable cycles and timelines for processing applications, including deadlines for receipt of complete applications.

#### **10-020.6 Public Notices**

- A.** Whenever the procedures of this article require mailed notices of public hearings or the submittal of an application, the notices must be sent by United States Postal Service first class mail.
- B.** Notices mailed to property owners must be based on property ownership information from the county assessor's office. When required notices have been properly addressed and deposited in the U.S. mail, alleged failure of a party to receive the mailed notice does not constitute grounds to invalidate any action taken.
- C.** All required notices must:
  - (1)** Describe any property involved in the application by map, street address or legal description;
  - (2)** Describe the action sought in the application;

- (3) Indicate the date, time and place of any public hearings or meetings that will be held by the planning commission to consider the application; and
  - (4) Indicate where additional information on the matter can be obtained.
- D. Minor defects in required notices will not be deemed to impair the notice or invalidate proceedings pursuant to the notice. Minor defects in notice are limited to errors in a legal description or typographical or grammatical errors that do not impede communication of the notice to affected parties. If questions arise at any hearing regarding the adequacy of notice, the planning commission must make a formal finding about whether there was substantial compliance with the notice requirements of these regulations.
- E. When the records of the planning commission document the mailing of notices as required by this article, required notice will be presumed to have been given.

#### **10-020.7 Hearing Procedures**

- A. At required public hearings, interested persons must be permitted to submit information and comments, verbally or in writing. The planning commission is authorized to establish reasonable rules and regulations governing the conduct of hearings and the presentation of information and comments.
- B. Once commenced, a public hearing may be continued by the planning commission. No re-notification is required if the continuance is set for a specific date and time and that date and time is announced at the time of the continuance.
- C. If a public hearing for which notice was required to be given is continued for an indefinite period, public hearing notice must be given before the rescheduled public hearing in the same manner as required by these regulations for the originally scheduled public hearing. If the applicant requests and is granted a continuance requiring re-notification, the applicant must pay any costs of re-notification.

#### **10-020.8 Conditions of Approval**

When the procedures of this article authorize approval with conditions, review bodies, including staff, are authorized to recommend conditions and decision-making bodies are authorized to approve the subject application with conditions. Any conditions recommended or approved must relate to a situation likely to be created or aggravated by the proposed development and must be roughly proportional to the impacts of the use or development.

#### **10-020.9 Decision-Making Criteria; Burden of Proof or Persuasion**

Applications must address relevant review and decision-making criteria. In all cases, the burden is on applicants to demonstrate that all applicable review or approval criteria have been met.

**10-030 EXEMPT LAND DIVISIONS**

**10-030.1 Purpose**

The exempt land division determination procedures of this section are intended to result in written documentation that a proposed land division is exempt from the subdivision and lot split procedures of this article. While exempt land divisions are exempt from subdivision and lot split procedural requirements, they are not exempt from compliance with other applicable (non-plat) requirements of these and other applicable regulations.

**10-030.2 Applicability**

Applicants proposing land divisions to be created without following the subdivision or lot split procedures of this article must file an application for determination of exempt land division status in accordance with the procedures of this section. Exempt land divisions are those land divisions in which all lots to be created are more than 5 acres in area and no more than 4 lots are being created, including the parent tract and any remainders (see Title 19, Oklahoma Statutes, Section 863.10). In determining whether a proposed land division meets the criteria for an exempt land division, the calculation of the number of lots being created must include the cumulative total of all lots partitioned, split or divided from the parent tract in the 5-year period immediately preceding the submittal date of the lot exempt land division application.

**10-030.3 Application Submittal**

A complete application for exempt land division determination must be submitted to the land use administrator.

**10-030.4 Land Use Administrator Review and Action**

- A. Following receipt of a request for a determination of exempt land division status, the land use administrator must determine whether the proposed land division is exempt from the subdivision and lot split procedures of this article. The land use administrator may rely upon information provided by the applicant and the applicant's engineer or surveyor in determining the number and size of the parcels proposed to be created.
- B. If the land use administrator determines that the proposed land division is exempt from following the subdivision and lot split procedures of this article, the land use administrator must certify the proposed land division as exempt and include the following statement on the lot split deed:

*I, [insert name], Land Use Administrator for the Tulsa Metropolitan Area Planning Commission (TMAPC), certify that this conveyance does not constitute a land division requiring review under otherwise applicable subdivision or lot split procedures of the TMAPC. Because of its "exempt" status, the TMAPC has not reviewed this land division for compliance with applicable zoning and subdivision regulations. Prospective purchasers should be aware that plans for building and development may be denied for lots that do not meet applicable zoning, subdivision or building regulations. This approval expires if not recorded before [insert date].*
- C. If the land use administrator determines that the proposed land division constitutes a land division that requires review and approval in accordance with

the subdivision or lot split procedures of this article, the applicant must be informed of that determination in writing.

<b>10-040 SUBDIVISIONS</b>
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**10-040.1 Applicability**

The subdivision review and approval procedures of this section ([10-040](#)) must be followed for all land divisions that will result in the creation of 5 or more lots.

**10-040.2 General Process**

A. The subdivision review and approval process is a multi-step process requiring:

- (1) Pre-application meeting;
- (2) Preliminary Subdivision plat (with conceptual infrastructure plans);
- (3) Infrastructure Plans; and
- (4) Final plat.

**10-040.3 Pre-application Meeting**

A pre-application meeting is required to be held before or concurrently with the submittal of an application for preliminary subdivision plat approval. (See [10-020.3](#) for additional information on pre-application meetings).

**10-040.4 Preliminary Plat**

**A. Application Submittal**

Applications for preliminary subdivision plat approval, including a preliminary subdivision plat and conceptual infrastructure plans, must be submitted to the land use administrator.

**B. Review and Distribution to Review Agencies—Land Use Administrator**

- (1) Upon receipt of a complete application for preliminary subdivision plat approval, the land use administrator must review the preliminary subdivision plat and conceptual infrastructure plans for compliance with these and other applicable regulations.
- (2) The land use administrator is authorized to distribute relevant application documents to review agencies and specify a date by which review agency comments must be received if they are to be incorporated into the comments provided to the applicant and the planning commission.
- (3) The land use administrator must notify the applicant, via email, of all review agencies on the preliminary subdivision plat distribution list.



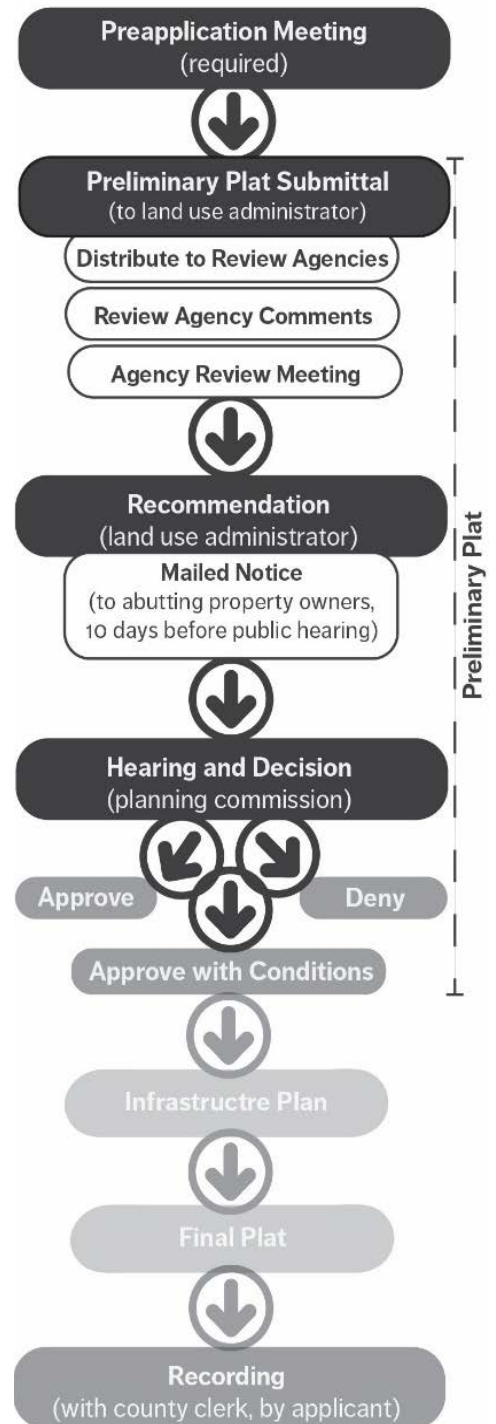
**C. Agency Review Meeting**

- (1) The land use administrator must work with review agencies to integrate all review comments into a single comprehensive written summary, including the name of agency contact from whom the comment was received. The written summary must be submitted to the applicant at least 24 hours before the agency review meeting at which the matter will be discussed.
- (2) An agency review meeting must be held to allow applicants the opportunity to discuss review comments and recommendations with representatives from reviewing agencies.
- (3) Following the agency review meeting, the land use administrator must prepare a recommendation and provide the recommendation and agency review comments to the planning commission.

**D. Hearing and Decision—Planning Commission**

- (1) Following receipt of a recommendation and agency review comments from the land use administrator, the planning commission must hold a public hearing on the preliminary subdivision plat application.
- (2) Notice of the planning commission’s required public hearing on a preliminary subdivision plat must be mailed at least 10 days before the date of the hearing to all owners of property abutting the property that is the subject of the preliminary subdivision plat application (see [10-020.6](#) for additional information on mailed notices).
- (3) Preliminary subdivision plats may be approved by a simple majority vote, except that approval requires an affirmative vote of at least two-thirds of the entire membership of the planning commission when the

**Figure 10-1: Preliminary Plats**



governing body of any city or town in Tulsa county whose corporate limits are located within 3 miles of property included in the preliminary subdivision plat files a written objection to preliminary subdivision plat approval with the land use administrator at least 3 days before the public hearing.

- (4) The planning commission's action must be based on whether the proposed preliminary subdivision plat complies with all applicable regulations, other than those regulations for which a modification is expressly approved by the planning commission in accordance with [10-070](#).
- (5) If a modification is approved or conditionally approved, the planning commission must state the reasons for approval of the modification and include the reasons in the official minutes of the meeting.
- (6) If the preliminary subdivision plat is approved with conditions, the final plat and any other required submittals related to the subdivision review process must demonstrate compliance with the imposed conditions. The planning commission is also authorized to require the applicant to submit a revised preliminary subdivision plat that complies with the imposed conditions.

**E. Effect of Approval**

Upon approval of the preliminary subdivision plat, the applicant may proceed with submittal of the required final plat.

**F. Lapse of Approval**

- (1) Except as otherwise expressly stated in these regulations, an approved preliminary subdivision plat remains valid and effective for 2 years from the date of approval by the planning commission. If final plat approval has not occurred within this 2-year period, preliminary subdivision plat approval lapses and is of no further effect, unless the subdivision is to be built in phases, and a phasing plan was approved by the planning commission as part of the preliminary subdivision plat approval. If a phasing plan is approved, the expiration date of the preliminary subdivision plat will be governed by the time periods approved by the planning commission as part of the phasing plan.
- (2) The planning commission is also authorized to rescind approval of a preliminary subdivision plat prior to approval of a final plat if the commission determines that information provided by the applicant and upon which the approval or conditional approval was based, was false or misleading.

**G. Extension of Preliminary Plat Approval**

- (1) The planning commission is authorized to approve one or more extensions of preliminary subdivision plat approval for a maximum of one year per extension.

- (2) Applicants must file extension requests with the land use administrator before the preliminary subdivision plat approval lapses.
- (3) Notice of the planning commission's public hearing must be provided in accordance with the notice requirements that apply to preliminary subdivision plats (See [10-040.4D\(2\)](#)).
- (4) The planning commission's decision on a preliminary subdivision plat extension request must be based on the following criteria:
  - (a) Whether circumstances affecting the timing of final plat approval have changed and are beyond the control of the applicant;
  - (b) Whether the applicant can meet the new deadline despite the changed circumstances;
  - (c) Whether all aspects of the planning commission's original decision to approve the preliminary subdivision plat will continue to be valid if the extension is granted;
  - (d) Whether any significant changes in or near the area included in the preliminary subdivision plat have occurred or are expected to occur within the extension period that would change the evaluation of the preliminary subdivision plat; and
  - (e) Whether planning and provision of public facilities and services in the area will be disrupted if the extension is granted.
- (5) In approving an extension request, the planning commission is authorized to impose conditions and to impose updated engineering and construction requirements as deemed necessary to protect the public interest.

#### **10-040.5 Infrastructure Plans**

##### **A. Application Submittal**

Before any construction occurs and before the final plat is approved, proposed infrastructure plans and engineering data addressing hydrology, hydraulics, grading, water distribution, sewage collection, stormwater management and paving must be submitted to the city or county for review and approval.

##### **B. Review and Approval**

- (1) Review agencies must review proposed infrastructure plans for compliance with the preliminary subdivision plat and all applicable regulations and standards. Applicants must revise and resubmit plans for review, as necessary to address review agency comments.
- (2) Once all applicable requirements have been met, the proposed infrastructure plans must be approved.

**10-040.6 Final Plat**

**A. Application Submittal**

Applications for final plat approval, including the final plat must be submitted to the land use administrator following planning commission approval of the preliminary subdivision plat and before such approval lapses (see [10-040.4F](#)).

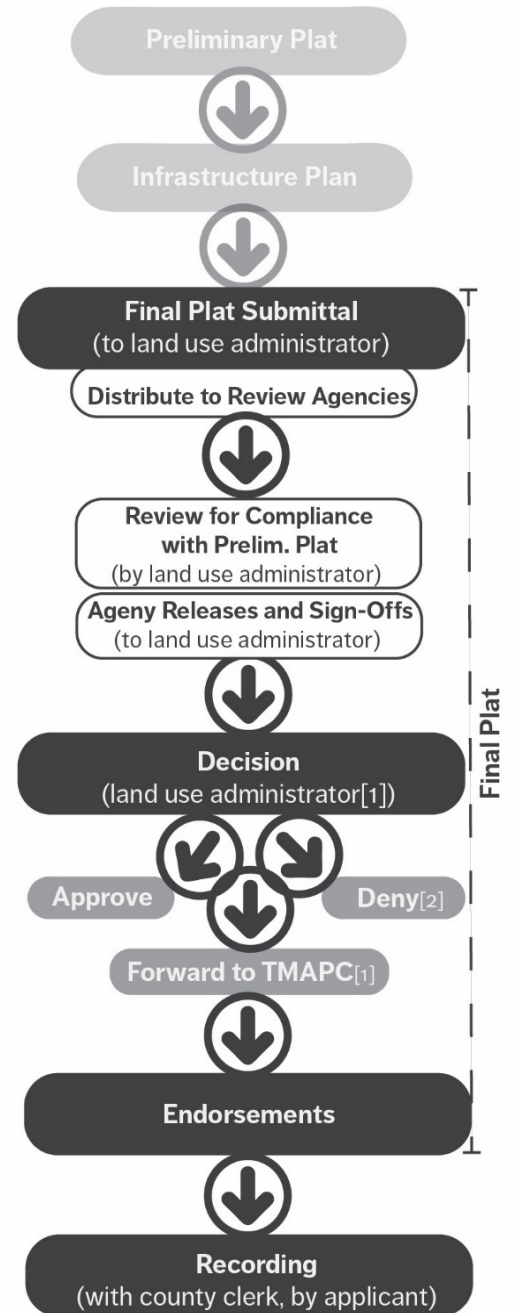
**B. Intake and Distribution to Review Agencies**

Upon receipt of a complete final plat application, the land use administrator must certify the submittal date, identify the review agencies to whom the final plat application must be distributed and distribute application documents to those review agencies. The land use administrator must notify the applicant, via email or personal service, of all agencies and individuals on the review agency distribution list.

**C. Review and Action—Land Use Administrator**

- (1) The land use administrator must review the final plat to determine if:
  - (a) It is in conformance with the approved preliminary subdivision plat and any conditions of preliminary subdivision plat approval;
  - (b) It complies with these and other applicable regulations; and
  - (c) All applicable release letters, certificates and other documents evidencing review agencies' determination of final plat compliance or approval have been received.

**Figure 10-2: Final Plats**



[1] Applicants may request review by planning commission or land use administrator may forward to planning commission for final decision  
 [2] Applicants may request review by planning commission for reversal of land use administrator's decision.

- (2) If the land use administrator determines that the final subdivision plat shows no revisions or only minor deviations from the approved preliminary subdivision plat and complies with all applicable regulations, the land use administrator is authorized to approve the final plat on behalf of the planning commission. The land use administrator is also authorized to forward the final plat to the planning commission for review and final decision. Applicants may elect to request that the final plat be forwarded to the planning commission for a final decision, including reversal of the decision of the land use administrator.
- (3) Minor deviations from approved preliminary plats are deemed to be those that involve insignificant shifts in street and open space locations, minor changes to lot size, minor shifts in lot lines; and other changes that do not alter the general layout and intensity of the subdivision or have a significant impact on proposed or existing infrastructure. All other deviations from the approved preliminary subdivision plat, including revisions that are determined by the land use administrator to constitute a public interest, are deemed to be major revisions.
- (4) If the final plat includes major deviations from the approved preliminary plat, a revised preliminary subdivision plat must be submitted in accordance with the procedures of [10-040.4](#).

#### **D. Planning Commission Action**

- (1) The planning commission is not required to review and act on final plats unless:
  - (a) The applicant requests review and action by the planning commission or reversal of the land use administrator's decision on the final plat; or
  - (b) The land use administrator elects to forward the final plat to the planning commission, without acting on the plat.
- (2) Following receipt of a final plat application from the land use administrator, the planning commission must review the final plat and the report and recommendation of the land use administrator and act to grant final approval, conditional approval (upon receipt of applicable release letters and other documents evidencing review agencies' determination of compliance) or deny approval of the final plat.
- (3) The planning commission must act on final plats within 30 days of the date of the public meeting at which the final plat application was first considered unless the applicant agrees to an extension of time for planning commission action. If approval is denied, the planning commission must state the reasons for denial, which must be included in the official minutes of the meeting.

- (4) If the planning commission fails to act on the final plat application within the time required, including any extension agreed to by the applicant, the final plat is deemed approved.
- (5) Action on final plats requires a simple majority vote of the planning commission, except approval of a final plat requires an affirmative vote of at least two-thirds of the entire membership of the planning commission when the governing body of any city or town in Tulsa county whose corporate limits are located within 3 miles of property included in the final plat files a written objection to preliminary subdivision plat approval with the land use administrator at least 3 days before the public hearing.
- (6) The planning commission's action must be based on whether the final plat is in conformance with the approved preliminary subdivision plat, including any conditions of approval and whether it complies with all applicable regulations, other than those regulations for which a modification is expressly approved by the planning commission in accordance with [10-070](#).

#### **E. Endorsements**

- (1) A final plat is not deemed to have been finally approved and may not be recorded until all requirements of final plat approval have been met and the following endorsements are recorded on the face of the plat:
  - (a) The land use administrator on behalf of the planning commission;
  - (b) The city or county engineer;
  - (c) The city council chair or vice-chair and the mayor; or the chair or vice-chair of the board of county commissioners; and
  - (d) The city or county attorney.
- (2) If the applicant elects to install required improvements before recording the plat, approval of the improvements may not be endorsed on the plat until all conditions of the approval have been satisfied and all improvements satisfactorily completed. Evidence that required improvements have been satisfactorily completed must be provided in the form of certificates signed by the city or county engineer.
- (3) If the applicant elects to provide performance guarantees and security instead of installing required improvements before recording the plat, approval may not be endorsed on the plat until:
  - (a) All conditions of the approval pertaining to the final plat have been satisfied;
  - (b) An agreement to install required improvements has been executed and delivered to the planning commission; and
  - (c) All applicable requirements of [5-180](#) have been met.

**F. Release of Final Plat; Recording**

After the final plat has received all required endorsements, the land use administrator must provide a signed copy to the applicant. The applicant is responsible for recording the official, signed final plat with the county clerk and for providing evidence of recordation to the land use administrator. No lot proposed to be created through the subdivision process may be sold or offered for sale until a final plat of the subdivision has been released by the land use administrator and recorded in the office of the county clerk.

<b>10-050 MINOR SUBDIVISIONS</b>
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**10-050.1 Applicability**

- A.** Property owners may elect to use the minor subdivision review procedures of this section (10-050) in lieu of the subdivision procedures of 10-040 for land divisions that do not require the approval of infrastructure plans or for which valid approved infrastructure plans exist.
- B.** The land use administrator is authorized to allow proposed land divisions requiring no new streets and only minimal new infrastructure to be processed through the minor subdivision review procedures of this section (10-050) after an infrastructure plan predevelopment meeting has been held for the subject property and a recommendation regarding the project's infrastructure status has been received from review agencies.

**10-050.2 General Process**

The minor subdivision review and approval process requires a preapplication meeting and approval of a final plat. No preliminary subdivision plat review is required.

**10-050.3 Pre-application Meeting**

A pre-application meeting is required to be held before or concurrently with the submittal of an application for minor subdivision approval. (See 10-020.3 for additional information on pre-application meetings).

**10-050.4 Final Plat**

**A. Application Submittal**

Applications for minor subdivision approval, including the required final plat must be submitted to the land use administrator.

**B. Intake and Distribution to Review Agencies**

Upon receipt of a complete minor subdivision application, the land use administrator must certify the submittal date and identify the review agencies, if any, to whom the final plat application must be distributed. The land use administrator must notify the applicant, via email or personal service, of all agencies and individuals on the distribution list. Unless otherwise approved by the land use administrator in writing, the applicant is responsible for delivery of the final plat documents to the identified review agencies.



**C. Review and Recommendation—Land Use Administrator**

- (1) The land use administrator must review the final plat to determine if:
  - (a) It complies with these and other applicable regulations; and
  - (b) All applicable release letters, certificates and other documents evidencing review agencies' determination of final plat compliance or approval have been received.
- (2) Based on review of the final plat, the land use administrator must prepare a report and recommend that the minor subdivision be approved or disapproved.

**D. Planning Commission Action**

- (1) Following receipt of a recommendation from the land use administrator, the planning commission must review the final plat for the minor subdivision and the report and recommendation of the land use administrator and act to grant final approval or deny approval of the final plat.
- (2) The planning commission must act on the final plat within 30 days of the date of the public meeting at which the final plat application was first considered unless the applicant agrees to an extension of time for planning commission action. If approval is denied, the planning commission must state the reasons for denial, which must be included in the official minutes of the meeting.
- (3) If the planning commission fails to act on the final plat application within the time required, including any extension agreed to by the applicant, the final plat is deemed approved.
- (4) Final plats may be granted final approval by a simple majority vote, except that final approval requires an affirmative vote of at least two-thirds of the entire membership of the planning commission when the governing body of any city or town in Tulsa county whose corporate limits are located within 3 miles of property included in the preliminary subdivision plat files a written objection to final plat approval with the land use administrator at least 3 days before the public hearing.

**E. Review Criteria**

In order to be approved, applicants for minor subdivision approval must demonstrate that the proposed minor subdivision:

- (1) Complies with all applicable regulations;
- (2) Will not make any existing lot or structure nonconforming;
- (3) Will not impede transportation access or utility connections for any abutting properties



**F. Release of Final Plat; Recording**

After the final plat has received all required endorsements, the land use administrator must provide a signed copy to the applicant. The applicant is responsible for recording the official, signed final plat with the county clerk and for providing evidence of recordation to the land use administrator. No lot proposed to be created through the minor subdivision process may be sold or offered for sale until a final plat of the subdivision has been released by the land use administrator and recorded in the office of the county clerk.

<b>10-060 LOT SPLITS AND ADJUSTMENTS</b>
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**10-060.1 Applicability**

- A.** The procedures of this section may be used instead of the subdivision procedures for all:
  - (1)** Lot splits, which are non-exempt land divisions of platted or unplatted property resulting in the creation of no more than 4 lots, including the parent tract and any remainders; and
  - (2)** Lot line adjustments, which combine multiple, existing abutting lots into a single lot or alter the boundary between or reconfigure the shapes of existing abutting lots without creating more lots than existed before the lot line adjustment occurred.
- B.** The procedures of this section may not be used for and no application may be approved by the land use administrator or the planning commission if approval of the application would result in the creation of 5 or more lots from the parent tract, as calculated cumulatively for the 5-year period immediately preceding the submittal date of the lot split/adjustment application.
- C.** Lots created by platting are deemed to create new parent tracts.

**10-060.2 Application Submittal**

Lot split and adjustment applications must be submitted to the land use administrator.

**10-060.3 Review of Application**

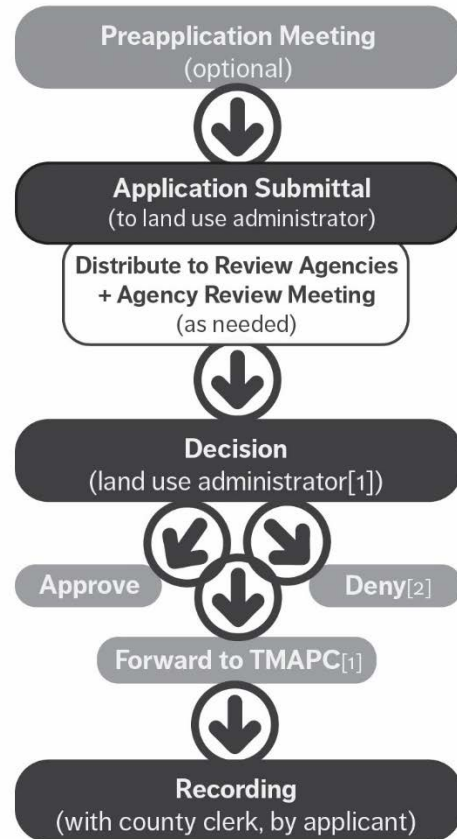
- A.** Upon receipt of a complete application for lot split/adjustment approval, the land use administrator must review the proposal to determine whether it complies with these and other applicable regulations.
- B.** The land use administrator is authorized to distribute relevant lot split/adjustment application documents to review agencies and specify a date by which review agency comments must be received if they are to be considered in the action on the proposed lot split/adjustment.
- C.** The land use administrator must notify the applicant, via email, of all review agencies on the lot split/adjustment distribution list.
- D.** The land use administrator is authorized to call an agency review meeting to allow applicants the opportunity to discuss review comments and

recommendations with representatives from reviewing agencies. The land use administrator must work with review agencies to integrate all review comments into a single comprehensive written summary. The written summary must be submitted to the applicant at least 24 hours before any agency review meeting at which the matter will be discussed.

**10-060.4 Type 1 Lot Splits/Adjustments (Land Use Administrator Action)**

- A. Type 1 lot splits/adjustments are those that do not include any modifications of these regulations,
- B. The land use administrator is authorized to review and take final action on type 1 lot split/adjustment applications, in accordance with the procedures of this subsection (10-060.4).
- C. If, after review of a proposed type 1 lot split/adjustment, the land use administrator determines that the proposed lot split/adjustment complies with all applicable regulations and approval criteria and requires no modifications, the land use administrator must approve the lot split/adjustment application. Otherwise, the land use administrator is authorized to approve the type 1 lot split/adjustment with conditions or deny approval of the type 1 lot split/adjustment application.
- D. In lieu of acting on a type 1 lot split/adjustment application in accordance with 10-060.4C, the land use administrator is authorized to forward the lot split/adjustment application, a recommendation and any agency review comments to the planning commission for final review and decision in a public meeting.
- E. The planning commission is not required to review and act on type 1 lot split/adjustment applications unless:

**Figure 10-3: Type 1 Lot Splits/Adjustments**



[1] Applicants may request review by planning commission or land use administrator may forward to planning commission for final decision

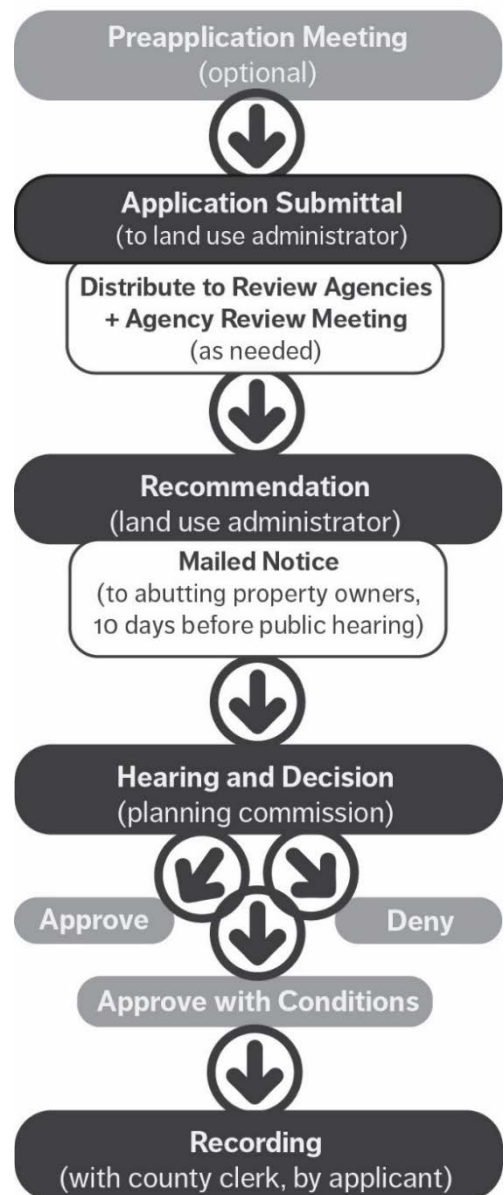
[2] Applicants may request review by planning commission for reversal of land use administrator’s decision.

- (1) The applicant requests review and action by the planning commission or reversal of the land use administrator’s decision on the lot split/adjustment; or
  - (2) The land use administrator elects to forward the lot split/adjustment to the planning commission, without acting on the application.
- F. Lot split/adjustment applications requiring review and action by the planning commission must be processed in accordance with the type 2 lot split/adjustment procedures of [10-060.5](#).

**10-060.5 Type 2 Lot Split/Adjustments (Planning Commission Action)**

- A. The type 2 lot split/adjustment procedures of this section must be followed for all lot split/adjustment applications that:
  - (1) Include one or more requested modifications of these regulations; and
  - (2) Lot split/adjustment applications that are forwarded to the planning commission in accordance with [10-060.4E](#).
- B. Type 2 lot split/adjustment applications require review and action by the planning commission in a public hearing, in accordance with the procedures of this subsection ([10-060.5](#)).
- C. Following receipt of a recommendation from the land use administrator, including any agency review comments, the planning commission must hold a public hearing on the lot split/adjustment application.
- D. Notice of the planning commission’s required public hearing on a type 2 lot split/adjustment must be mailed at least 10 days before the date of the hearing to all owners of property abutting the property that is the subject of the lot split/adjustment application (see [10-020.6](#) for additional information on mailed notices).

**Figure 10-4: Type 2 Lot Splits/Adjustments**



- E.** Following the public hearing, the planning commission must act to approve the lot split/adjustment, approve the lot split/adjustment with conditions or deny approval of the lot split/adjustment. If approval is denied, the planning commission must state the reasons for denial, which must be included in the official minutes of the meeting.
- F.** Approval of all type 2 lot split/adjustments requires an affirmative vote of at least a simple majority of the members of the planning commission who are present and voting.
- G.** The planning commission's action must be based on whether the proposed lot split/adjustment complies with all applicable regulations, other than those regulations for which a modification is expressly approved by the planning commission in accordance with [10-070](#).
- H.** If a modification is approved or conditionally approved, the planning commission must state the reasons for approval of the modification and include the reasons in the official minutes of the meeting.
- I.** If a type 2 lot split/adjustment is approved with conditions, the planning commission is authorized to require the applicant submit revised documents that demonstrate compliance with the imposed conditions.

#### **10-060.6 Review and Approval Criteria**

Review and final action on all proposed type 1 and type 2 lot split/adjustments must be based on whether the proposed lot split/adjustment complies with the following review and approval criteria, as applicable:

##### **A. Zoning**

- (1)** All lots resulting from the lot split/adjustment will comply with all applicable zoning district regulations or come closer to complying with applicable zoning district regulations and create no new nonconformities; and
- (2)** The lot line adjustment will not result in a single lot being included in multiple zoning districts, unless expressly approved as a modification ([10-070](#)) or an administrative modification (see [10-080](#)), as applicable.

##### **B. Access, Streets and Trails**

- (1)** Lot splits/adjustments must result in all lots to be created having at least the amount of street frontage as required by zoning, or the amount of street frontage approved through applicable zoning variance procedures.
- (2)** When lots proposed to be split contain areas that do not comply with the street right-of-way requirements of the *Major Street and Highway Plan*, the lot split/adjustment may not be approved, except upon a finding that one or more of the following conditions are met:
  - (a)** Adequate assurances are in place to ensure that the needed right-of-way is dedicated;

- (b) All utilities are already in place or the additional right-of-way is not required for utility placement;
  - (c) The public has, by statutory easement or suitable roadway dedication, right-of-way sufficient to allow the placement of pavement of a width necessary to meet the standards of the *Major Street and Highway Plan* for the particular street and sidewalk involved; or
  - (d) Existing structures are located within the right-of-way proposed by the *Major Street and Highway Plan*.
- (3) In accordance with [5-080](#), when the comprehensive plan or a trails plan identifies the need for a trail on the subject property, the decision-making body is expressly authorized to condition approval of the lot split/adjustment on the dedication of a trail easement,

#### C. Water Supply and Sewage Disposal

- (1) When a proposed lot split/adjustment abuts a public water or sanitary sewer connection, the lot split/adjustment may not create any lots that will be cut off from accessing that water or sewer connection, unless expressly approved by the land use administrator.
- (2) Lot split/adjustments must comply with the water supply and sewage disposal regulations of [5-120](#), except that for lots within the corporate limits of the city that are not served by sanitary sewer, an easement may be required to be dedicated to provide for the future extension of the sewer. The applicant must obtain approval of the location and size of any required easements and submit evidence of required easement dedication before the lot split/adjustment receives final approval.

#### D. Flood Protection

The regulations of [5-090](#) apply to all portions of a proposed lot split/adjustment located in a flood hazard area.

### 10-060.7 Approval and Recordation

#### A. Lot Splits

- (1) If a lot split application is approved, a certification must be affixed to the instrument of transfer, as required by state statute. The certification must include notice of the conditions stated in [10-060.1B](#) and be signed by the planning commission chair, another planning commission officer or the land use administrator.
- (2) The applicant is responsible for recording the certified instrument of transfer with the county clerk, as an official document that will be contained in the abstract of the subject property. The applicant must provide the land use administrator with evidence of recordation. The lot split approval lapses and is of no further effect if the conveyance is not recorded within 3 years of the date of approval of the lot split. The

planning commission is authorized to approve an extension of the time frame for recording if an extension request is filed by the applicant before the approval lapses (within the 3-year timeframe).

**B. Lot Line Adjustments**

- (1)** If a lot line adjustment is approved, the land use administrator must issue a certificate of compliance for lot line adjustment and affix a certification to the lot line adjustment declaration. The property description on the certificate must describe the reconfigured parcel or parcels, which will then be recognized by the city or county as legal lots. The certification must be signed by the planning commission chair, another planning commission officer or the land use administrator.
- (2)** The applicant is responsible for recording the signed certificate of compliance for lot line adjustment and certified lot line adjustment declaration with the county clerk, as an official document that will be contained in the abstract of the subject property. The applicant must provide the land use administrator with evidence of recordation. The lot line adjustment approval lapses and is of no further effect if the lot line adjustment declaration is not recorded within 3 years of the date of approval of the lot line adjustment.

**10-060.8 Effect of Approval of Lot Line Adjustments**

- A.** After approval and recordation of and executed lot line adjustment declaration, any combined lots will be considered a single lot for the purposes of complying with applicable zoning and subdivision regulations.
- B.** The owner of any combined lot resulting from a lot line adjustment may not sell, convey or mortgage any of the lots comprising the combined lot separate and apart from any of the other lots unless a land division is approved in accordance with these regulations.
- C.** Any attempted sale, conveyance or mortgage of lots within any combined lots separate and apart from any of the other lots within the combined lot is void.
- D.** The covenants within the lot line adjustment declaration run with the title to the subject lots and are binding on all parties having or acquiring any right, title or interest in any part thereof.
- E.** Lot line adjustments are for and inure to the benefit of the city or county, which has the right and standing to enforce the terms of the lot line adjustment declaration.

**10-060.9 Amendment or Termination of Lot Line Adjustments**

Lot line adjustment declarations may be amended or terminated only by a written instrument executed by the subject property owner and approved by the land use administrator and duly recorded in the office of the county clerk. Any subsequent lot line adjustment involving the subject property constitutes an amendment or termination of the previously approved lot line adjustment.



## 10-070 MODIFICATIONS

### 10-070.1 Applicability

All property owner requests for relief from strict compliance with the design and improvement regulations of [ARTICLE 5](#) must be processed as modification requests in accordance with the provisions of this section ([10-070](#)).

### 10-070.2 Intent

Modifications are intended to provide for regulatory relief when requiring strict compliance with applicable regulations would cause an undue hardship or practical difficulty because of unusual topographical or other exceptional conditions that apply to the subject property.

### 10-070.3 Process

- A. For properties being platted or for which an application is made for a lot split/adjustment, modification requests must be processed concurrently with the preliminary subdivision plat, minor plat or lot split/adjustment application. When requesting a modification, the applicant must identify each regulation for which a modification is sought and provide a written response to each of the required approval criteria listed in [10-070.4](#) for each requested modification.
- B. For properties not being platted, modification requests require review and action by the planning commission in a public hearing, in accordance with the following procedures.
  - (1) Modification requests must be submitted to the land use administrator.
  - (2) Following receipt of a recommendation from the land use administrator, including any agency review comments, the planning commission must hold a public hearing on the application.
  - (3) Notice of the planning commission's required public hearing on modification requests not associated with a plat application must be mailed at least 10 days before the date of the hearing to all owners of property abutting the property that is the subject of the modification request (see [10-020.6](#) for additional information on mailed notices).
  - (4) Following the public hearing, the planning commission must act to approve the modification, approve the modification with conditions or deny approval of the modification. If the modification is approved or conditionally approved, the planning commission must state the reasons for such approval, which must be included in the official minutes of the meeting.

### 10-070.4 Approval Criteria

- A. The planning commission is authorized to approve modifications of these regulations when they determine that the purpose of these regulations will be served to a greater or at least the same extent by an alternative proposal.
- B. The planning commission may not approve modifications that will:

- (1) Be detrimental to the public safety health, or welfare,
- (2) Be injurious to other property or improvements; or
- (3) Impair the spirit, purposes, or intent of applicable zoning regulations or comprehensive plan policies.

#### **10-070.5 Decision**

Modifications may be approved by the planning commission or approved with conditions only upon an affirmative vote of at least a simple majority of the members of the planning commission who are present and voting. The planning commission must state the reasons for approval of the modification, which must be included in the official minutes of the meeting.

<b>10-080 ADMINISTRATIVE MODIFICATIONS</b>
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#### **10-080.1 Intent**

Administrative modifications are intended to provide a streamlined approval procedure for minor (de minimis) modifications of expressly identified subdivision regulations.

Administrative modifications are further intended to:

- A. Allow development that is in keeping with the general purpose and intent of these regulations; and
- B. Provide flexibility for new development when such flexibility is in keeping with the general purpose and intent of these regulations and will not adversely affect nearby properties or the public interest.

#### **10-080.2 Authorized Administrative Modifications**

- A. Administrative modifications may be granted only as expressly identified in this section.
  - (1) The land use administrator is authorized to grant an administrative modification to permit a flag lot (see [5-040.2](#)) as part of a type 1 lot split/adjustment or other application for which the land use administrator has final decision-making authority under these regulations.
  - (2) The land use administrator is authorized to grant an administrative modification to allow an arrangement or layout of streets that does not conform to the comprehensive plan and the major street and highway plan (see [5-060.3A](#)) as part of a type 1 lot split/adjustment or other application for which the land use administrator has final decision-making authority under these regulations.
  - (3) The land use administrator is authorized to grant an administrative modification to allow an alternative street right-of-way width (see [5-060.6](#)) as part of a type 1 lot split/adjustment or other application for which the land use administrator has final decision-making authority under these regulations.



- (4) The land use administrator is authorized to grant an administrative modification that results in a single lot being included in multiple zoning districts as part of a type 1 lot split/adjustment.
- B. The administrative modification procedures may not be used to vary, modify or otherwise override a condition of approval or requirement imposed by the planning commission or to approve a modification involving a land division or other application under these regulations that requires review and final action by the planning commission.

**10-080.3 Authority to File**

Administrative modification applications may be filed by the owner of the subject property or another person with the subject property owner's written consent.

**10-080.4 Application Filing**

Complete applications for administrative modifications must be filed with the land use administrator.

**10-080.5 Notice of Filing/Intent to Approve**

The applicant is responsible for delivering written notice of application filing to all owners of property abutting the subject (proposed) lot. The written notice must describe the nature of the requested administrative modification. It must also indicate the date on which the land use administrator will take action on the application and that the application will be available for review and comment until that date. Any interested party may submit written comments concerning the application to the land use administrator.

**10-080.6 Action by Land Use Administrator**

- A. The land use administrator must review each application for an administrative modification and act to approve the application, approve the application with conditions, deny the application or refer the application to the planning commission for consideration as a modification.
- B. The land use administrator may not take final action to approve or deny an administrative modification application until at least 5 days after the required notices have been deposited in the mail or otherwise delivered to abutting property owners.
- C. The land use administrator's decision to approve or deny an administrative modification must be based on the approval criteria and standards of [10-080.7](#) and accompanied by written findings of fact.
- D. At least once per calendar year, the land use administrator must provide the planning commission with a list of all administrative modification decisions.

**10-080.7 Standards and Review Criteria**

- A. The land use administrator is authorized to approve administrative modifications when the land use administrator determines that the purpose of

these regulations will be served to a greater or at least the same extent by an alternative proposal.

- B.** The land use administrator may not approve administrative modifications that will:
  - (1)** Be detrimental to the public safety health, or welfare,
  - (2)** Be injurious to other property or improvements; or
  - (3)** Impair the spirit, purposes, or intent of applicable subdivision and development regulations or comprehensive plan policies.

#### **10-080.8 Conditions of Approval**

In granting an administrative modification, the land use administrator is authorized to impose conditions upon the subject property that are necessary to reduce or minimize any potentially adverse impacts on other property in the surrounding area, and to carry out the stated purpose and intent of these regulations.

#### **10-080.9 Decision**

The land use administrator's decision must be in writing and state the reasons for approval or denial of the administrative modification.

#### **10-080.10 Appeals**

If the land use administrator denies an administrative modification request, the applicant may request approval of a modification from the planning commission, in accordance with [10-070](#).

<b>10-090 CHANGE OF ACCESS</b>
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#### **10-090.1 Applicability**

The change of access procedures of this section must be followed whenever the owner of property seeks to remove or otherwise change recorded limits of access that apply to the subject property.

#### **10-090.2 Pre-application Meeting**

A pre-application meeting is required to be held before or concurrently with the submittal of a change of access application. (See [10-020.3](#) for additional information on pre-application meetings).

#### **10-090.3 Application Submittal**

Complete change of access applications must be submitted to the land use administrator.

#### **10-090.4 Staff and Agency Review**

- A.** Upon receipt of a complete application, the land use administrator and the city traffic engineer or county engineer must review the application for compliance with these and other applicable regulations.
- B.** The land use administrator is authorized to distribute relevant application documents to review agencies and specify a date by which review agency

comments must be received if they are to be considered in the action on the change of access application.

- C. The land use administrator must notify the applicant, via email, of all review agencies on the review agency distribution list.
- D. The land use administrator is authorized to call an agency review meeting to allow applicants the opportunity to discuss review comments and recommendations with representatives from reviewing agencies. The land use administrator must work with review agencies to integrate all review comments into a single comprehensive written summary. The written summary must be submitted to the applicant at least 24 hours before any agency review meeting at which the matter will be discussed.

#### **10-090.5 Review and Decision-making**

- A. Unless the applicant files a written request for a final decision by the planning commission, the land use administrator is authorized to review and take final action to approve or deny change of access requests, after consulting with the city or county engineer.
- B. Change of access requests forwarded to the planning commission, upon request of the applicant, must be reviewed and acted upon by the planning commission in a public meeting.
- C. In reviewing and acting on change of access requests, review and decision-making bodies must consider whether the request will comply with applicable access management and driveway design regulations and all other applicable access-related regulations in effect at the time of approval, including zoning requirements.

#### **10-090.6 Approval and Recordation**

- A. If a change of access application is approved, a change of access instrument acknowledging the approved change must be signed by the city traffic engineer or county engineer (as applicable) and the land use administrator.
- B. The applicant is responsible for recording the official, signed change of access instrument with the county clerk, as an official document that will be contained in the abstract of the subject property. The applicant must provide the land use administrator with evidence of recordation.
- C. Once the approved change of access instrument is filed of record, previously existing limits of access that were approved for removal are expressly held to be vacated, and any new limits of access become binding.

<b>10-100 PLAT VACATIONS</b>
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Plats may be vacated in accordance with Oklahoma Statutes.

**10-110 ACCELERATED RELEASE OF BUILDING PERMIT**

**10-110.1 Applicability**

The planning commission is authorized to approve applications authorizing release of a building permit before a final plat is approved and recorded for the subject property (aka “accelerated release of a building permit” or “accelerated release”) in accordance with the procedures of this section.

**10-110.2 Pre-application Meeting**

A pre-application meeting is required to be held before or concurrently with the submittal of an application for accelerated release of a building permit. (See [10-020.3](#) for additional information on pre-application meetings).

**10-110.3 Application Submittal**

Applications for accelerated release of a building permit must be submitted to the land use administrator.

**10-110.4 Land Use Administrator and Agency Review**

Complete applications for accelerated release of a building permit must be reviewed by the land use administrator and review agencies in the same manner as the preliminary subdivision plat (see [10-040.4B](#) and [10-040.4C](#)). Following the agency review meeting, the land use administrator must prepare a recommendation and provide the recommendation and agency review comments to the planning commission.

**10-110.5 Hearing and Decision—Planning Commission**

- A. The planning commission may not consider or act on an accelerated release application until acting on the preliminary subdivision plat.
- B. If the preliminary subdivision plat is approved or approved with conditions (or was previously approved or approved with conditions) the planning commission may consider the application for accelerated release of a building permit. The planning commission must act on the request following the same time-frames for action as required for the preliminary subdivision plat (see [10-040.4D](#)).

**10-110.6 Review and Decision-Making Criteria and Limits of Approval**

The planning commission may approve an authorization for accelerated release of a building permit only if they determine that all of the following criteria are met:

- A. The subject building permit is for a lot or parcel that is not required to be platted by Oklahoma statutes;
- B. All required rights-of-way and easements have been dedicated or the planning commission has determined that circumstances related to the subject property reasonably preclude the future use or improvement of the area for which dedication would be required; and
- C. All required improvements are in place or have been secured with a financial guarantee in accordance with [5-180](#).

**10-110.7 Effect of Approval**

- A.** Planning commission approval of an application for accelerated release of a building permit constitutes authorization for the development administrator or building official to issue a building permit before approval of a final plat covering the subject property. Such building permits may be issued by the development administrator or building official only after the proposed construction or other activity requiring the subject building permit is determined to comply with all applicable standards and regulations.
- B.** If an accelerated release is approved, no final inspection of buildings or structures may occur, no certificate of occupancy may be issued, no public potable water service may be provided, and no building may be occupied until a final plat for the subject property has been approved and recorded.

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## ARTICLE 15. DEFINITIONS

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<b>15-010 GENERAL</b>
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Words and terms expressly defined in these regulations have the specific meanings assigned unless the context clearly indicates another meaning. Words and terms that are not expressly defined in these regulations have the meaning given in the latest edition of *Merriam-Webster’s Unabridged Dictionary*.

<b>15-020 TERMS BEGINNING WITH “A–C”</b>
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**Abut or Abutting**

To touch or share a contiguous boundary or border, except that in the context of public meeting or hearing notice requirements, “abutting” includes properties that are contiguous or separated therefrom only by a minor street, alley or railroad right-of-way.

**Adjacent**

Lying near or in the immediate vicinity.

**Agent**

A person duly authorized to act on behalf of the owner of the subject property owner.

**Alley**

A public right-of-way that affords a secondary means of access to abutting property and that is not intended for general traffic circulation.

**Applicant**

The owner of the subject property or another person who has the subject property owner’s written consent to submit an application on the owner’s behalf.

**Bioretention**

The use of soil and plants to remove pollutants from stormwater runoff.

**Block**

A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-way, shoreline of waterways, or boundary lines of municipalities.

**City**

The City of Tulsa, Oklahoma.

**Comprehensive Plan**

The official comprehensive plan of the city or county, as adopted and approved pursuant to the master plan provisions of §19-863.7 of the Oklahoma Statutes.

**County**

The County of Tulsa, Oklahoma.

**Covenant (Restrictive)**

Written covenants, running with the land that restrict or regulate the use of the property or the kind, character, and location of buildings or other structures that may be located on the subject property.

**Cul-De-Sac**

A local street that is permanently terminated at one end by a vehicle turnaround.

<b>15-030</b> <b>TERMS BEGINNING WITH “D–F”</b>
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**Decision-making Body**

The entity that is granted authority to make a final decision on a matter, pursuant to the procedures of [ARTICLE 10](#).

**Dedication**

The deliberate appropriation of land by an owner for general and public use reserving to the landowner no rights that are incompatible with the full exercise and enjoyment of the public use to which the property has been devoted.

**Developer**

The property owner or a party who with consent of the property owner is dividing property or applying for one or more forms of approval required under the review and approval procedures of [ARTICLE 10](#).

**Development, Land**

Any human-made change to improved or unimproved real estate, including the construction or placement of buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

**Development Plan, Mandatory**

As defined in Sec. 70-040 of the Tulsa Zoning Code.

**Drainage**

A general term applied to the removal of surface or subsurface water from a given area either by gravity or by pumping.

**Driveway**

A private accessway providing a connection from a lot to a street or highway and providing for vehicular circulation on the lot.



**Easement**

A grant by a property owner for the use property by a public authority or private entity for a specific purpose.

**Emergency Vehicle (or Emergency Service Vehicle)**

Vehicles such as ambulances, police cars, or firefighting equipment used to respond to emergency situations.

**Erosion**

The process by which the soil and rock components of the earth’s crust are worn away and removed from one place to another by natural forces such as water, wind, ice and gravity.

**Flood Hazard Area**

For all buildings or structures located inside the corporate limits of the City of Tulsa, the flood hazard area is as designated on the adopted City of Tulsa Regulatory Floodplain Map Atlas and the most recent Flood Insurance Rate Maps (FIRM), as established in [Title 11-A](#) of Tulsa Revised Ordinances. For all buildings or structures located outside the corporate limits of the City of Tulsa within unincorporated Tulsa County, the flood hazard area is as designated on the Flood Insurance Rate Maps (FIRM).

**Floodplain**

The area adjoining the channel of a river, creek, stream or watercourse, or lake or any other body of standing water which may from time to time be covered by floodwater. The floodplain areas shall be those as described and delineated on maps contained within the offices of the city and county engineer.

**Floodway**

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

**Frontage**

That side of a lot abutting on a street to which access is available from said lot.

**Frontage Road**

A public or private marginal access roadway generally paralleling and contiguous to a street or highway and designed to promote safety by eliminating unlimited ingress and egress to such street or highway providing points of ingress and egress at more-or-less uniformly spaced intervals.

<b>15-040</b> <b>TERMS BEGINNING WITH “G–I”</b>
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**Governing Body**

The Tulsa City Council or the Tulsa County Commission.

**Hazard**

Any natural or human-created condition that presents danger to the public health, safety, or welfare.

**Impervious Surface**

Any surface that prevents or impedes the natural infiltration of surface and storm water runoff into the soil.

**Improvements, Private**

Private improvements are the same types of improvements as defined under public improvements, except that ownership and/or maintenance and repair is the responsibility of a private entity.

**Improvements, Public**

Any structure or facility constructed to serve the residents of a subdivision or the public, such as parks; streets or roads; sidewalks, curbs and gutters; street lighting; utilities; and systems for water supply, sewage disposal, and drainage.

**Infrastructure Plan**

The maps or drawings prepared by a registered engineer accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with all applicable requirements of the city or county and the planning commission as a condition of the approval of the plat.

<b>15-050</b> <b>TERMS BEGINNING WITH “J–L”</b>
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**Land Division**

The partitioning or splitting of a parcel of land into 2 or more lots or parcels or a change in boundaries between 2 or more lots or parcels or the consolidation of multiple lots or parcels into a fewer number of lots or parcels.

**Lot**

A tract, plot or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.

**Lot, Flag**

A lot with two distinct parts: (1) The “flag,” which is located behind another lot; and (2) the “flag pole,” which connects the flag to the street and is at any point less than the minimum lot width required by zoning or other regulations.

**Low-Impact Development (LID)**

A site design strategy with the goal of maintaining or replicating the pre-development hydrologic regime using design techniques to create a functionally equivalent hydrologic site design. The use of LID techniques, hydrologic functions of storage, infiltration and ground water recharge, as well as the volume and frequency of discharges are maintained using integrated and distributed micro-scale stormwater retention and detention areas, reduction of impervious surfaces, and the lengthening of runoff flow paths and flow time. Other strategies include the preservation/protection of environmentally sensitive site features such as riparian resource areas, wetlands, steep slopes, mature woodlands, floodplains, and highly permeable soils.

**Lot Split**

The subdivision of tracts of land of less than 5 acres where not shown of record in the office of the County Clerk as separately owned per effective date of appropriate State Statute.

**15-060 TERMS BEGINNING WITH “M–O”**

**Maintenance Guarantee**

A financial guarantee posted by the developer and approved by the city or county, guaranteeing the satisfactory condition of required infrastructure and improvements required to be installed pursuant to these regulations.

**Major Street and Highway Plan**

The *Tulsa Metropolitan Area Major Street and Highway Plan*, which is adopted as a functional element of the comprehensive plan.

**Minor Subdivision**

A land division eligible for processing in accordance with the procedures of [10-050](#).

**Monument (Permanent Monument)**

A structure placed in the ground that is exclusively identifiable as a monument to a survey point expressly placed for surveying reference.

**Non-Motorized Transportation Facilities**

Improvements designed and intended primarily for the use, safety and comfort of pedestrians, cyclists, and other users of nonmotorized means of travel. Examples include sidewalks, trails, bike lanes, equestrian trails and related appurtenances, such as signs, signals and wheelchair ramps.

**15-070 TERMS BEGINNING WITH “P–R”**

**Parent Tract**

The parcel of land from which a new lot or tract of land is being taken from.

**Performance Guarantee**

A financial guarantee posted by the developer and approved by the city or county, guaranteeing that all improvements, facilities, or work required by these regulations will be completed in compliance with these regulations and the approved plans and specifications of a development.

**Phasing Plan**

A detailed plan for final platting and development of a subdivision in 2 or more phases.

**Preliminary Subdivision plat**

The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision.

**Plat**

A graphical representation of a subdivision showing the division of land into lots, blocks, streets, alleys, or other divisions and dedications.

**Required Improvement**

Improvement required by the planning commission as condition to approval of the plat.

**Review Agencies**

Local, state and federal agencies; utilities; and other agencies who have regulatory responsibility or directly related interests in proposed land divisions, as determined by the land use administrator based on the location and nature of the subject application.

**Rights-of-Way**

Land dedicated or acquired for use as a public way.

**Runoff**

That part of precipitation that flows off the land without filtering into the soil or being absorbed by plant material.

<b>15-080</b>	<b>TERMS BEGINNING WITH "S-U"</b>
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**Sedimentation**

The process of depositing materials from a liquid, especially in bodies of water.

**Setback**

The distance between a building and the street line nearest thereto.

**Street**

The portion of a public or private right-of-way, other than an alley, that affords a primary means of vehicular access to abutting properties.

**Street, Collector**

A street intended to move traffic from local streets to major streets.

**Street, Minor**

All classifications of streets not defined as major streets.

**Street, Major**

All classifications of streets shown on and defined by the major street and highway plan, except residential collector streets. Major streets include freeways and freeway service roads.

**Street, Stub**

A street that is temporarily terminated, but that is planned for future continuation.

**Subdivision**

Any division of land resulting in the creation of 5 or more lots, parcels, tracts, or areas, or any division of land involving the right-of-way or alignment of an existing or proposed street or highway.

**Traffic Calming Features**

Design features and strategies intended to reduce vehicle traffic speeds on a particular street, thereby encouraging safer, more responsible driving.

**15-090 TERMS BEGINNING WITH “V–Z”**

**Wetlands**

Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.