

WAGONER COUNTY OKLAHOMA

SUBDIVISION REGULATIONS

**DEVELOPMENT GUIDELINES,
DESIGN CRITERIA
AND
CONSTRUCTION STANDARDS**

**PREPARED BY
County Engineer's Office
Wagoner County Courthouse
307 East Cherokee, 3rd Floor
Wagoner, OK 74467
(918) 485-7979**

**Adopted
August 2008**

**WAGONER COUNTY
PLANNING COMMISSION
306 EAST CHEROKEE
WAGONER, OKLAHOMA 74467
(918) 485-8123**

Section 100 General Provisions, Amendment and Enforcement

101 Purpose and Intent

These regulations are designed to promote the health, safety and general welfare of the community by establishing standards for the subdivision and development of all land in Wagoner County including land inside and outside the Wagoner County Planning Commission jurisdiction. These regulations are designed, intended and should be administered according to the following purposes:

- a) To provide for the physical development of Wagoner County in accordance with the Comprehensive Plan.
- b) To harmoniously relate the development of various tracts of land to the existing community and to facilitate the future development of adjoining tracts.
- c) To secure and provide for the proper arrangement of streets or highways in relation to the existing or planned streets or highways or to the Comprehensive Plan or plans of the area; for the adequate and convenient open spaces for traffic, utilities, access for fire fighting apparatus, parking lots, parks, playgrounds, light and air; for the avoidance of congestion of population; and to provide for the proper location and width of streets, easements and building lines.
- d) To establish a subdivision process that is expeditious, efficient and as cost effective as possible, while providing for the public health, safety and general welfare.
- e) To provide that the cost of improvements which primarily benefit the tract of land being developed be borne by the owners or subdividers of the tract, and that the cost of improvements which primarily benefit the whole community be borne by the whole community.
- f) To establish adequate and accurate records of land subdivision.

102 Short Title

These regulations shall hereafter be known, cited and referred to as the Subdivision Regulations of Wagoner County.

103 Authority

These subdivision regulations and minimum standards for land development for Wagoner County and are adopted by ordinance passed under the authority granted under 19 O.S. Section 866.1-866.36 and subsequent amendments thereto.

104 Jurisdiction

The Subdivision Regulations and development standards shall apply to the following forms of land subdivision within the territorial jurisdiction of the Wagoner County Planning Commission:

- a) The division of land into two or more tracts, lots, sites, or parcels, any part of which, when subdivided, shall contain less than ten (10) acres in area; or
- b) The division of land, previously subdivided or platted, into tracts, lots, sites or parcels, of less than ten (10) acres in area; or
- c) The dedication, vacation or reservation of any public or private easement through any tract of land regardless of the area involved, including those for use by public and private utility companies; or
- d) The dedication or vacation of any street or alley through any tract of land regardless of the area involved.

For land outside Wagoner County Planning Commission jurisdiction, all rules contained herewith apply, excepting zoning regulations. The Preliminary Plat and Final Plat process, as described in these Subdivision Regulations, is governed by the Board of Commissioners.

105 Platting Requirements

No plat or deed or other instrument of a subdivision of land within Wagoner County shall be accepted for record in the office of the County Clerk until it has been approved by the Board of Commissioners as being in accordance with the regulations and such approval endorsed on such instrument in writing. All Final Plats shall be filed within two (2) years of the date of Preliminary Plat approval by the Board of Commissioners, and no lots shall be sold from any plat until same shall have been recorded as herein provided. Failure to record the Final Plat within sixty (60) days of the Board of Commissioners approval shall void all approvals thereof.

No Building Permit or Certificate of Occupancy shall be issued on the above designated properties until that portion of the tract is included within a subdivision plat or re-plat. The platting of land, as set for in these subdivision regulations, shall be required in accordance with the Wagoner County Zoning Code platting requirements in the following instances:

- a) For any land which has been rezoned to a zoning classification other than AG upon application by a private party, or
- b) For any land which has been granted a Special Exception by the Board of Adjustment.

106 Planned Unit Development

Where a Planned Unit Development (PUD) has been approved with the provisions of the Zoning Regulations, the plat or detailed site plans for development shall conform to the PUD Development Plan, other provisions of these subdivision regulations to the contrary notwithstanding.

The PUD Development Plan shall contain graphical and text information to provide the basis for the development within the approved PUD boundaries. Plats and detailed site plans may contain minor adjustments from the PUD Development Plan that may be approved during the review and approval processes of these subdivision regulations. These minor adjustments may be considered minor amendments as defined in the Zoning Regulations.

107 Lot Split

The lot-split procedure may be applicable in lieu of a full subdivision plat when the subdivision of land meets the criteria as described in Section 400 of these regulations.

108 Waiver of Platting Requirement

The Board of Commissioners, upon a recommendation of the Planning Commission, may waive the platting requirement upon a determination that the purpose and intent of these Regulations has been met by previous platting or could not be achieved by a plat or re-plat.

109 Variances and Exceptions

Whenever it would be inadvisable to apply a provision of this ordinance because a tract is of unusual size, shape or character and would render an extraordinary hardship not

created or imposed by the owner or subdivider, the Planning Commission may modify such provisions only to provide that substantial justice may be done, the public interest secured, and the intent and spirit of these regulations fulfilled, provided in no event shall the requirements of procedure or improvements be waived. Such modifications thus granted shall be made at the written request of the subdivider stating the reasons for such modifications and shall be waived only by three-fourths (3/4) vote of the regular membership of the Planning Commission. Any such modifications thus granted shall be duly entered and recorded in the minutes of the Planning Commission, setting forth the reasons which justify the modifications.

110 Amendment

The Board of Commissioners may, from time to time, adopt, amend and make public rules and regulations for the administration of these regulations to the end that the public be informed and that approval of plats is expedited. These regulations may be enlarged or amended by the Board of Commissioners after public hearing, due notice of which shall be given as required by law.

111 Validity

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

112 Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

113 Violation and Penalty

No building permit shall be issued for any new structure, change, improvements, or alteration to any existing structure, on any tract of land, which does not comply with all the provisions of these regulations.

Any person, firm, or corporations which violates or refuses to comply with any of the provisions of these regulations or Zoning regulations shall be charged an administrative fee (and or fined) not less than Twenty-five Dollars (\$25.00) with a maximum of One Hundred Dollars (\$100.00), including costs, for each offense. Each day a violation is permitted to exist shall constitute a separate offense.

Suspension of building permits or construction of subdivision improvements, for a portion or the entirety of a subdivision, may be required and enforced at any time for just cause to correct construction or development issues. These issues include, but are not limited to, grading, paving, installation of drainage conveyances and placement of fill materials, erosion and sediment control corrective requirements prior to the establishment of permanent vegetation.

114 Saving Provision

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