

Section 400 Lot Split Procedures and Standards

401 Authority

The Planning Commission, pursuant to the powers and jurisdiction vested through Title 19, Oklahoma Statutes, Section 863.10. and as required herein, does hereby exercise the power and authority to review, approve and disapprove transfers of land hereinafter referred to as lot-splits as defined within these Subdivision Regulations.

402 Intent and Purpose

The regulations contained in this Section are intended to established reasonable standards as allowed by these Subdivision Regulations for lot-splits. A lot split may be applicable for a subdivision of land when all of the following criteria are met:

- a) Lot Splits apply only when any of the resulting parcels of land are less than ten (10) acres.
- b) Does not contain more than three (3) total lots, parcels, or tracts including the lots to be split and any remaining tract, the sum of which is not less than ten (10) acres. If these criteria can not be met, the subdivision platting process applies.
- c) The lot front on an existing street. Each respective lot frontage shall be a minimum of thirty (30) feet on a public maintained county road, or a private roadway and easement, or conform to the appropriate zoning designation frontage and access requirements. Lots splits onto private roadways and/or easements shall forwarded to the Planning Commission for review and approval, refer to Section 403.01. All private roadways and related easements shall be designed and approved in accordance with Oklahoma State Statues governing such facilities.
- d) Does not involve a new street or alley.
- e) A closing or vacation of any street, alley, setback line, access control or easement is not required or proposed.
- f) Such action would not result in significant increases in service requirements or will not interfere with any existing service levels.
- g) All lots will have direct access to a street or maintained county road.

- h) A substandard sized lot or non-conforming lot or parcel will not be created.
- i) All of the lots shall be of sufficient area to properly accommodate a suitable sewage disposal system as approved by the Oklahoma Department of Environmental Quality (ODEQ), if one is required.
- j) There is adequate easement access by utility companies unless appropriate easements are dedicated as approved by those respective companies.

403 Procedures

403.01 General

Lot Splits Requiring Staff Review Only: Where review by the staff determines that a lot split meets all approval guidelines and all proposed lots are adequately served by utilities either by easement or in public street right-of-way, the Planning Director or the Director's designated agent shall approve the lot-split and the Planning Commission shall ratify the approval at the next Planning Commission meeting.

Lot Splits Requiring Full Review and Commission Approval: Where review by the staff determines there is inadequate utility access, or that a lot split involves acquiring or dedicating easements, or is served by a private roadway and/or easement, or in the staff's opinion requires review by additional companies or agencies, but does not involve a waiver of the Zoning Code or Subdivision Regulations, the applicant shall provide coordination and documentation that the appropriate approvals from all utility companies, County Departments, or other agencies who are involved have been received. Thereafter, the staff shall recommend approval of the lot split by the Planning Commission and the Planning Commission shall consider the approval at their next meeting.

Lot Splits Requiring Waivers: For those lots splits that involve a waiver of a subdivision regulations or zoning requirements, the review procedure shall follow the guidelines listed in the appropriate section below. The Planning Commission shall approve or disapprove the application.

403.02 Application Form and Drawing

A lot-split application shall be filed with the Planning Commission Staff and the appropriate fee paid in accordance with the following requirements:

- a) Where the application is to be reviewed by the Planning Commission Staff alone, three (3) copies of a survey meeting the requirements of Oklahoma State

Statutes and prepared by a land surveyor registered in the State of Oklahoma shall accompany the split. Where possible, the survey drawing should be placed in the space provided on the application form.

- b) Where review will include other agencies or companies in addition to the Planning Commission Staff, additional copies shall be distributed by the applicant and documentation regarding the reviews will be provided to the Planning Commission Staff.
- c) The survey drawing itself shall include a legal description of existing and proposed lots, all existing and future lot boundaries, all existing buildings and improvements and their distances from lot lines, utility and easement locations, flood plain information, adjacent streets and street right-of-way and paving widths, existing access limitations, a north arrow, scale and any other property information or features that may be applicable.
- d) In all cases where drawings are attached on separate sheets, the subdivider should limit the size of the drawing to eight and one half (8-1/2) inches by eleven (11) inches.
- e) Where the applicant is requesting a waiver, said request shall be stated on the application form, including the reasons for such requests.
- f) The applicant should provide letters from any utility providers that serve the lots or other documentation regarding the accessibility to utilities and need for utility easements of each respective utility.

403.03 Planning Commission Staff Review

In its review of lot-splits, the Planning Commission Staff shall:

- a) Require documentation and determine that utility access is available and require the applicant to provide any additional information required for such determination.
- b) Field checks of the area being platted.
- c) Review the application for conformance with the Comprehensive Plan, Zoning Ordinance, PUD conditions, Board of Adjustment actions, and these Subdivision Regulations.

403.04 Lot Split Requiring Waivers

For those lot-splits that involve a waiver of a provision of these Regulations, the procedure shall be as follows:

- a) A cut-off date shall be observed which coincides with that of the submission of subdivision plats.
- b) The Planning Commission Staff shall present the application and waiver request including all applicable documentation as utility letters and/or ODEQ approval to the County Engineer for review and recommendation.
- c) The recommendation of the County Engineer shall be compiled with the Planning Staffs recommendation and the application shall be heard at the next Planning Commission meeting.
- d) The Planning Commission shall hold a hearing on the lot-split as follows:
 - i. Notice of such hearing shall require only on lot-splits requiring waivers and be given to the abutting property owners (including lot owners separated only by a residential street) by the mailing of a written notice ten (10) days prior to the hearing before the Planning Commission of the application for waiver and lot-split approval;
 - ii. The Planning Commission shall review the requested lot-split and either approve or disapprove the requested waiver;
 - iii. If approved, the lot-split approval may also be subject to the approval of the Board of Adjustment if a variance of a zoning requirement is involved;
 - iv. If the application is disapproved, the applicant may appeal the decision of the Planning Commission to the District Court as provided in Title 19, Oklahoma Statutes Section 863.10; and
 - v. Reasonable conditions may be imposed by the Planning Commission in the granting of a modification from these Subdivision Regulations.

404 Certificate of Approval

Approval shall be shown by certification on the instrument of transfer as required by Oklahoma State Statutes. The Chairperson or such other Officer of the Planning Commission as designated by such Chairperson shall sign the certification.

Upon affixing said written approval by the Planning Commission, the subdivider may then file the instrument with the County Clerk, the approval being an official document that will be contained in the abstract of the property being split.

405 Approval Guidelines

Approval or disapproval of lot-splits shall be based upon the following guidelines:

405.01 Lots

- a) Lot dimensions shall conform to the Zoning Ordinance including bulk and area requirements and shall meet the requirements set forth in the Planning and Design section of these Regulations.
- b) In the case of lots not served by public sanitary sewers and/or public water, such lots shall be of sufficient area to properly accommodate a suitable private sewage disposal system and otherwise meet the requirements of the ODEQ.
- c) Corner lots and double frontage lots should have such extra width and area beyond the minimum requirements for other lots as may be necessary to permit appropriate setbacks on both streets while insuring that adequate build able space remains.

405.02 Easements and Utilities

There shall be adequate access to all utilities. Where a lot-split will result in a lot having inadequate access to utility easements, dedication of easements shall be required in accordance with the requirements of the applicable utility providers.

405.03 Access and Streets

Where a tract to be split is controlled by non-access provisions, no lot shall be approved where such provisions will preclude access for said lot. The splitting of land shall provide each lot with a minimum thirty (30) feet wide access to a public street or highway, in order to allow adequate; services, utilities, garbage and waste removal, fire protection, public health, and safety.

Where land to be split contains within its boundaries areas designated for street right-of-way on the Major Street Plan, the split shall not be approved where street right-of-way fails to conform to said Plan except upon a finding that:

- a) All utilities are in place and the additional right-of-way is not required for utility placement; and
- b) The public has, by virtue of 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 Plan for the particular street involved; and
- c) Development made possible by the split itself will not measurably increase the burden of traffic on an adjacent street to such an extent that it would adversely affect the health, safety, and welfare of the public; or
- d) Existing structures lie in the right-of-way proposed by the Major Street Plan that precludes the construction of roadway improvements.

Should the Planning Staff and County Engineer determine that the right-of-way requirements as designated in these subdivision regulations and on the Major Street Plan be required, a lot split procedure is not applicable for the property.

405.04 Water Supply and Waste Water Disposal

- a) Where a tract to be split abuts a public sanitary sewer, no split shall be approved until or unless the approval of the appropriate agency is obtained.
- b) Lot sizes shall meet the requirements of the ODEQ.