

Sec. 23-63. - Plat/subdivision approval process.

(a) – (e) are unchanged.

(f) *Preliminary plats.*

(1) *Notice.* Notice shall be provided by regular mail to the owners of property within 300 feet of the proposed subdivision prior to the planning commission meeting at which the proposal may be heard. In addition to a property owner letter, notice shall include a copy of the proposed subdivision and a map of its location.

(2) *Approval.* The planning commission shall approve, approve conditionally, or disapprove the preliminary plat within 60 days of the date of its first review by the planning commission.

a. Unless stipulation for additional time is agreed to by the subdivider and if no action is taken by the planning commission at the end of 60 days after the first review, the preliminary plat shall be deemed to have been approved.

b. If the preliminary plat is disapproved or approved conditionally, the reasons for such action shall be stated in writing, a copy of which shall be signed by the planning commission chair, secretary, or designee and shall be transmitted to the subdivider/owner and the applicant/representative.

c. The reasons for disapproval or conditional approval shall refer specifically to those parts of the comprehensive plan or city regulations with which the plat does not conform.

d. On conditionally approving a plat, the planning commission shall require submission of a revised preliminary plat prior to planning commission review of any final plats based upon the preliminary plat.

e. The subdivider shall file three paper copies and one reproducible copy of the approved preliminary plat with the development services department.

f. Upon filing of the approved preliminary plat, improvement plans may be submitted for review in accordance with the approved preliminary plat.

(3) *After approval.* Once the preliminary plat is approved, the subdivider may proceed with the construction of the subdivision improvements, provided that the improvement plans have been prepared in accordance with this chapter, with the approved plat, and have been approved for construction by the development engineering manager. The subdivider may proceed with the preparation and submittal to the city of a final plat. ~~Preliminary plats shall expire two years from the date of approval unless a final plat of any portion is filed, based upon the preliminary plat.~~ The approval of a preliminary plat is effective for a period of five (5) years. Approval of a final plat must be obtained within the five (5) year period. Approval of any subsequent final plats within the preliminary plat effective period shall validate the remainder of the preliminary plat for a single additional term of five (5) years, for a total approval period of ten (10) years. Any plat not receiving final approval within the allotted time period shall be null and void, and the developer shall be required to resubmit a new plat for preliminary approval subject to all regulations in effect at the time of submittal.

(4) *Compliance with Preliminary Plat.* Any final plat submitted for approval shall be designed in accordance with the approved preliminary plat. Minor modifications to the final plat are allowed as follows:

a. Street system is not substantially altered

b. Number of lots is not increased or decreased by more than five percent (5%)

c. Lot layout is not substantially altered

d. Common open space is not decreased by more than five percent (5%).

Should the modifications exceed any of these conditions, a preliminary plat must be resubmitted.

(g) *Final plats.*

- (1) ~~Two~~ Five years from preliminary plat approval. The final plat of any portion of the proposed subdivision shall be submitted to the planning commission and city council for final approval within ~~two~~ five years of the date on which the preliminary plat was approved. ~~If not submitted for final approval within such time, the preliminary plat shall be considered as having been disapproved unless the planning commission agrees to an extension of time prior to the expiration date, as requested by the subdivider.~~ The developer shall file the final plat in the office of the county clerk within two years after approval by the city council, or, if not filed within such time, said approval of the final plat shall be considered as having been voided, unless extended by the planning commission and city council upon request by the subdivider prior to the expiration date.
- (2) *Approval.* The planning commission shall act upon the final plat within 45 days of the date of its first review by the planning commission. Unless a stipulation for additional time is agreed to by the subdivider and if no action is taken by the planning commission at the end of 45 days after the first review, the final plat shall be deemed to have been approved. This approval and date thereof shall be shown on the plat over the signature of the planning commission chair. A certificate by the development services director as to the date of submission of plat for final approval and failure of planning commission to act thereon within such time shall be sufficient in lieu of written endorsement of approval.
- (3) *Disapproval.* If the final plat is disapproved, grounds for this refusal shall be stated in writing, a copy of which shall be transmitted with the Mylar and prints to the applicant. The reasons for disapproval shall refer specifically to those parts of the comprehensive plan or ordinance with which the plat does not comply.
- (4) *Accepted by development engineering manager prior to city council consideration.* Prior to consideration of a final plat by the city council, improvement plans, a drainage study, and a drainage plan shall be accepted by the development engineering manager. The final plat shall be submitted to the city council for acceptance of the public ways and service and utility easements and land dedicated to public use. This acceptance of the plat shall be shown over the signature of the mayor and attested to by the director of finance or deputy. The lack of acceptance of any plat or plan by the city council shall be deemed a refusal of the proposed dedication shown thereon. Once accepted by the city council, the plat shall be recorded in the county courthouse.
- (5) *Requirements for commercial subdivision prior to filing with county clerk.* No final plat of any commercial subdivision shall be filed of record in the office of the county clerk unless:
 - a. The improvements have been constructed in accordance with the provisions of this article and have been accepted by the city council; or
 - b. The subdivider/developer has entered into a development agreement with the city to construct all improvements and the subdivider/developer has filed with the city a performance guarantee in accordance with the provisions of this chapter.
- (6) *Residential subdivisions may be filed prior to acceptance by city council.* Final plats of residential one- and two-family subdivisions may be filed prior to the acceptance by the city council of the required improvements. No building permits will be issued until the required improvements are scheduled for acceptance by the city council, with the exception of developer sidewalks and/or traffic control devices.

Upon filing with the county clerk, the developer shall provide ~~three~~ one paper copies and one ~~Mylar-reproducible~~ copy of the filed plat to the city.

State Law reference— Plat approval, 11 O.S. § 45-104.

- (h) *Correction of errors in plats.* Municipal plats or plats of additions and subdivisions which have been erroneously described on any record in the chain of title to said plats, or are otherwise defective on their face, may be corrected pursuant to the provisions of 11 O.S. §§ [41-112](#)—41-114.

State Law reference— Correction of errors and defects, 11 O.S. [§ 41-115](#).

- (1) *Application.* Requests for correction of errors in plats shall be initiated by submitting the following documentation to the development services department:
- a. Completed application and checklist on the appropriate form furnished by the development services department;
 - b. Typewritten and electronic/digital copy of the legal description of the subject;
 - c. Copy of existing or proposed restrictive covenants on the subject property; and
 - d. Filing fee, as required by the appropriate provisions of this chapter related to the individual types of applications;
 - e. The registered land surveyor who prepared said plat may execute a certificate stating the nature of the error and cure said defect. The surveyor shall refer to said plat by correct page number and book in which said plat is recorded by the county clerk. Said certificate shall be dated and signed by said registered land surveyor;

State Law reference— Similar provision, 11 O.S. [§ 41-115](#) B.

- f. If the registered land surveyor who originally certified said plat is not available, or if said plat was not prepared by a registered land surveyor, a certificate stating the nature of the error and cure said defect may be executed by any registered land surveyor, provided said certificate states the reasons why the registered land surveyor who prepared the plat was not available or that said plat was not originally prepared by a registered land surveyor.

State Law reference— Similar provision, 11 O.S. [§ 41-115](#) C.

- (2) *Approval.* The certificate shall be approved by the planning commission. If the correction alters or otherwise affects a right-of-way or easement of the city, such certificate shall also be approved by the city council.

State Law reference— Similar provision, 11 O.S. [§ 41-115](#) D.

- (i) *Filing with county clerk.* Once approved by the city, the certificate shall be retained by the county clerk of the county in which said plat is located and shall be recorded as a correction in the county plat book. A certificate filed pursuant to the provisions herein shall be prima facie evidence of the statements contained in said certificate and shall be received into evidence for that purpose. No such certificate shall have the effect of destroying or changing any vested rights which were acquired based upon an existing plat despite the errors or defects contained in said plat. The provisions of this section shall not prohibit any interested party from commencing an action in district court pursuant to the provisions of 11 O.S. §§ [41-112](#)—41-114.

(Ord. No. 3023, § 1(23.63), 3-3-2008)

State Law reference— Similar provision, 11 O.S. [§ 41-115](#) E, F.