

The City of Durant encourages participation from all its citizens. If participation at any public meeting is not possible due to a disability, notification to the City Clerk at least 48 hours prior to the scheduled meeting is encouraged in order to make the necessary accommodations. The City of Durant may waive the 48-hour rule if interpreters for the deaf (signing) or translation services for limited English proficient (LEP) individuals are not the necessary accommodation.

DURANT PLANNING COMMISSION

5:30 PM

**Roscoe J. Hatfield
Council Chambers,
300 West Evergreen,
Durant, Oklahoma
AGENDA**

April 5, 2022

CALL TO ORDER

INVOCATION/FLAG SALUTE

ROLL CALL

ORDER OF BUSINESS

1. Consent Items

To help streamline meetings and allow the focus to be on other items requiring strategic thought, the "Consent Items" portion of the agenda groups the routine, procedural, and self-explanatory non-controversial items together. These items are voted on in a single motion (one vote). However, any Council member requesting further information on a specific item thus removes it from the "Consent Items" section for individual attention and separate vote.

- a. Consider Approval of Regular Meeting Minutes of March 1, 2022

2. Consider Items Removed from Consent

3. Information Items

4. Public Hearings

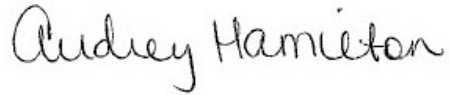
- a. Discussion, Consideration and Possible Action on PC2022-03, a Preliminary Plat request for property located near Cale Switch Road and Orchard Road
- b. Discussion, Consideration and Possible Action on PC2022-05, a Re-Plat request for property located near North 4th Avenue and Willow Street
- c. Discussion, Consideration and Possible Action on PC2022-08, a Rezoning request from A-1, General Agriculture District to C-2, Highway Commercial and Commercial Recreation District for property located at 3202 W University Boulevard
- d. Discussion, Consideration and Possible Action on PC2022-09, a Conditional Use Permit to place a Billboard Sign on property located at 4516 West Main Street

5. New Business

ADJOURNMENT

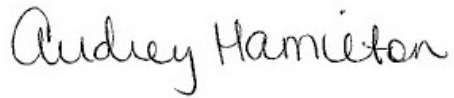
CERTIFICATE

This is to certify that in conformity with the Oklahoma Open Meeting Act, public notice of the date, time and place of this meeting was filed with the City Clerk of Durant on the 8th day of December, 2021 and that an agenda of said meeting was posted at the place of such meeting at 09:00 a.m. on the 1st day of April, 2022.

A handwritten signature in cursive script that reads "Audrey Hamilton".

Audrey Hamilton, City of Durant

This is to certify that in conformity with the Oklahoma Open Meeting Act, public notice of the date, time and place of this meeting was filed with the City Clerk of Durant on the 8th day of December, 2021 and that an agenda of said meeting was posted at the place of such meeting at 09:00 a.m. on the 25th day of February, 2022.



Audrey Hamilton, City of Durant

MINUTES OF THE MEETING OF DURANT PLANNING COMMISSION
March 1, 2022 AT 5:30 PM, Roscoe J. Hatfield
Council Chambers,
300 West Evergreen,
Durant, Oklahoma

CALL TO ORDER

Planning Commission Chair Kevin Keener called the meeting to order at 5:38 p.m.

INVOCATION/FLAG SALUTE

Commissioner Member Jackson provided the invocation. Commission Member Knight led the flag salute.

ROLL CALL

Present:

Planning Commission Chairman Kevin Keener
Planning Commission Vice Chairman Drew Jackson
Planning Commissioner Clent Horner
Planning Commissioner Shane Knight
Planning Commissioner Whitney Kerr

Absent:

None

ORDER OF BUSINESS

1. Consent Items

To help streamline meetings and allow the focus to be on other items requiring strategic thought, the "Consent Items" portion of the agenda groups the routine, procedural, and self-explanatory non-controversial items together. These items are voted on in a single motion (one vote). However, any Council member requesting further information on a specific item thus removes it from the "Consent Items" section for individual attention and separate vote.

a. Consider Approval of Regular Meeting Minutes of February 1, 2022

Commission Member Knight stated there was an error in the vote count on the Motion to Adjourn from the February meeting. He was absent from the meeting.

Motion was made by Commission Member Horner and seconded by Commission Member Jackson to approve the minutes with the requested change to the vote count.

Motion Passed with the following vote:

Ayes: Keener, Jackson, Horner, Kerr

Nays: None

Abstain: None

2. Consider Items Removed from Consent

3. Information Items

- a. Community Development Updates

4. Administration

- a. Discussion, Consideration and Possible Action on Investigation and Report regarding the relocation of the Dixon Durant Statue

John Dean reviewed with the Planning Commission members a request regarding the relocation of the Dixon Durant Statue. The Keep Durant Beautiful Committee has been working on various projects to help continue to improve the look of Durant. One of the projects that they would like to complete involves the movement of the Dixon Durant statue. The statue is currently located on the East side of Market Square near 1st Avenue; however, the committee would like to have the statue moved to the Southeast corner of City Hall (near 3rd & Evergreen). The committee felt the placement of Dixon Durant at City Hall is a better placement and could gain more attention for the founder of Durant. According the State Statutes and City Ordinances, the Planning Commission is required to investigate and report on the location, construction or design of any statue or memorial. Therefore, this item is coming before you for investigation and report. This item will have to be heard by the City Council as well.

Motion was made by Commission Member Horner and seconded by Commission Member Jackson to approve the request as presented.

Motion Passed with the following vote:

Ayes: Keener, Jackson, Horner, Knight, Kerr

Nays: None

Abstain: None

- b. Discussion, Consideration and Possible Action on Investigation and Report on the location and design of the Unity Monument.

John Dean reviewed with the Planning Commission members a request regarding the

location and design of the Unity Monument. Staff recently learned that according to OS Title 11 Section 45-104, "Before final action may be taken by any municipality or department thereof on the location, construction, or design of any public building, statue, memorial, park, parkway, boulevard, street, alley, playground, public ground, or bridge, or the change in the location or grade of any street or alley, the question shall be submitted to the planning commission for investigation and report". There is no statutory requirement for Planning Commission approval, only an investigation and report. This vision was initiated by Mayor Grube several years ago. Her vision was to create something to represent the unity between the Choctaw Nation of Oklahoma and the City of Durant. In early 2020, the City Council approved the application for ODOT permission and was permitted by ODOT to use the ODOT right of way just west of the Carl Albert swimming pool for the project. The design was developed by Janie Umsted and has received an endorsement from Chief Batton. The monument will be approximately 35 feet high and have a diameter of approximately 35 feet. The structural engineering has been completed. The Durant Tourism Economic Development Authority supports the project. According the State Statutes and City Ordinances, the Planning Commission is required to investigate and report on the location, construction or design of any statue or memorial. Therefore, this item is coming before you for investigation and report. This item will have to be heard by the City Council as well.

Motion was made by Commission Member Knight and seconded by Commission Member Jackson to approve the request as presented.

Motion Passed with the following vote:

Ayes: Keener, Jackson, Horner, Knight, Kerr

Nays: None

Abstain: None

5. Public Hearings

- a. Discussion, Consideration and Possible Action on PC2022-04, a Planned Unit Development (PUD) for property located near South 9th Avenue and Highway 70

The Planning Commission members reviewed a request for a Planned Unit Development (PUD) for property located near the intersection of South 9th and Highway 70. The applicant approached staff regarding the desire to place a mixed-use type development that will include commercial and residential uses. The applicant would like to develop this property where commercial would be along South 9th Avenue and to the West of the commercial development would be a multi-family residential development. This development would be completed in phases as indicated on the PUD plans. The subject property is approximately 100 acres and currently has a couple buildings on the property. The Planned Unit Development area is approximately 80 acres. The surrounding area is made up of a mix of Commercial, Agriculture and Industrial Zoned properties. The subject property does meet the requirements for the lot

area that is required within the requested Planned Unit Development. The development has approximately 7 acres that will be used for commercial uses and the remaining will be multi-family housing. The plans indicate a maximum density of 20 units per acre with a maximum height of 3 stories. This development will meet the required setbacks, parking as well as having sidewalks and street lights as required within ordinance. The applicant is having discussions with the Streets

Department with regards of placing a traffic light for the development. Staff has reached out to the Oklahoma Department of Transportation regarding the placement of this light and to ensure they do not have any issues. Staff members reviewed and signed off on this project with the following provisions being requested. The fire marshal has a requirement of fire hydrants for the residential piece to be 400 feet apart unless the buildings have a fire suppression system, then they can be 600 feet apart. For the residential piece fire hydrants need to be 200 feet apart. The fire marshal is also requesting that a second entrance be completed that can be used as an emergency entrance until the full project is complete. The Maintenance & Operations supervisor states the sewer will be a private line that connects to the applicant's lift station and the water will have a master meter at the drive and private within the complex. There is a city water line that runs along South 9th. Community Development and Neighborhood Services has a comment that the applicant will be required to obtain a Stormwater Permit from the Oklahoma Department of Environmental Quality (ODEQ) and provide a copy of their permit and Stormwater Pollution Prevention Program (SW3P) plans to city staff before a building permit can be obtained. The current Future Land Use Map has this area as commercial land uses; therefore, this PUD partially is in line with the Future Land Use Map. Notifications have been made to the surrounding property owners and at the time of this report staff has not received any phone calls or letters regarding this request.

Jonathan Kirby spoke regarding the development.

Motion was made by Commission Member Jackson and seconded by Commission Member Horner to approve the request as presented.

Motion Passed with the following vote:

Ayes: Keener, Jackson, Horner, Knight, Kerr

Nays: None

Abstain: None

6. New Business

There was no new business.

ADJOURNMENT

Motion made by Commission Member Knight and seconded by Commission Member Jackson to adjourn the meeting.

Motion Passed with the following vote:

Ayes: Keener, Jackson, Horner, Knight, Kerr

Nays: None

Abstain: None



THE CITY OF DURANT

Office of Community Development

Date: 04/05/2022
To: Planning Commission
Case: PC 2022-03
From: Danielle O'Neal, Community Development Director
Re: Preliminary Plat Request for Durant Fortune Villas, property located near Cale Switch Road and Orchard Road.

Request: Consider a request from Texoma Park Victory Investment, LLC, for a Preliminary Plat Request for Durant Fortune Villas, property located near Cale Switch Road and Orchard Road.

Current Zoning: R-3, General Residential

Surrounding Properties:

Direction	Zoning	Use
North	A-1	Vacant
East	A-1	Vacant
South	A-1	Choctaw Cultural Center

Lot Characteristics: (Current Lot)

Width	~ 440 ft.
Depth	~1,300 ft.
Total Area	~13 acres (~572,000 sq. ft.)

Applicant: Texoma Park Victory Investment, LLC

Background: Applicants approached staff regarding filing for a preliminary plat request for Durant Fortune Villas Subdivision. This preliminary plat has twenty-eight (28) half-acre lots, in which the applicant stated the lots would contain one triplex per lot.

Notifications have been made to the surrounding property owners and at the time of this report, there have not been any letters or emails received by staff.

Analysis: The subject property is approximately a total of 13 acres. The applicant is planning to have 28 total lots with a triplex on each lot. Each lot will be about a half-acre in size; therefore, each one does meet or exceed the lot size requirements for this zoning district. Each of the triplexes will be required to meet the setback requirements for this particular zoning district. The property is served by Rural Water District #5 and city sewer does not exist in this area. The owners are expected to have aerobic or septic systems for sewer needs. Further engineering plans that will include drainage is expected to be completed should the preliminary plat be approved. The City Engineer will then examine these plans. The applicants will also be responsible for placing sidewalks and streetlights as required by ordinance, should the preliminary plat be approved.

The current Land Use Map appears to have this area as mixed residential; therefore, this request is generally in line with the Comprehensive Plan.

Staff Recommendation: Staff has signed off supporting the approval of the preliminary plat; however, there are a few stipulations noted. One of those was the requirement of a stormwater permit and SW3P plans submitted prior to any issuance of a building permit. Another was that there would need to be a firewall in between the units and each unit must be sprinkled. No further comments have been received as of the creation of this report. Staff further recommends that once plans are prepared for the sidewalks and streetlights that those are submitted for City Staff to review.

Required Action: Hold a public hearing and recommend approval or denial of the Preliminary Plat request for Durant Fortune Villas Subdivision, property located near Cale Switch Road and Orchard Road. Any specific conditions imposed by the Commission should be read into any approval motion.

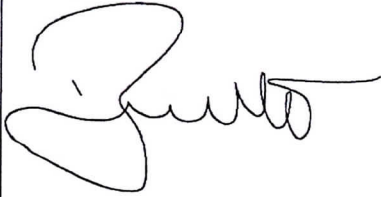
COMMUNITY DEVELOPMENT PLAT SIGN OFF SHEET
Durant Fortune Villas (Orchard & Cale Switch)

Department	Signature	Date	Notes
Com Dev Director Danielle O'Neal		2-23-22	will need stormwater permit & SW3P plans prior to BP will need sidewalks
Public Works Phillip Hightower		2-14-22	
M&O Randy Cantrell		02-14-22	City has no utilities in this area
Streets Carl Meade		2-14-22	
Fire Marshall Wade Boyd	See att		
Building Official Mark Pierce			
Engineer Brandon Wall	See att		

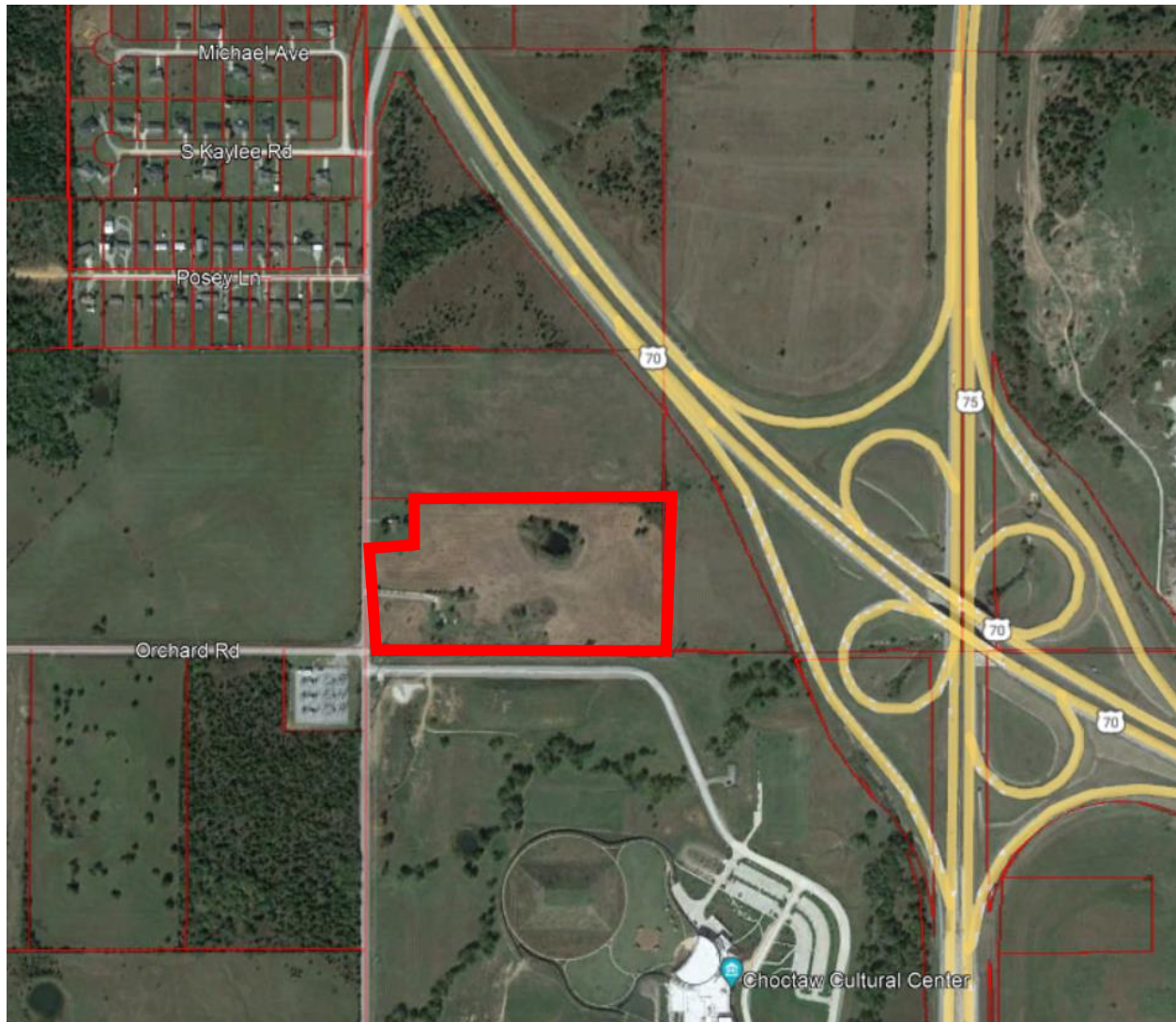
Street
light
Plans

COMMUNITY DEVELOPMENT PLAT SIGN OFF SHEET

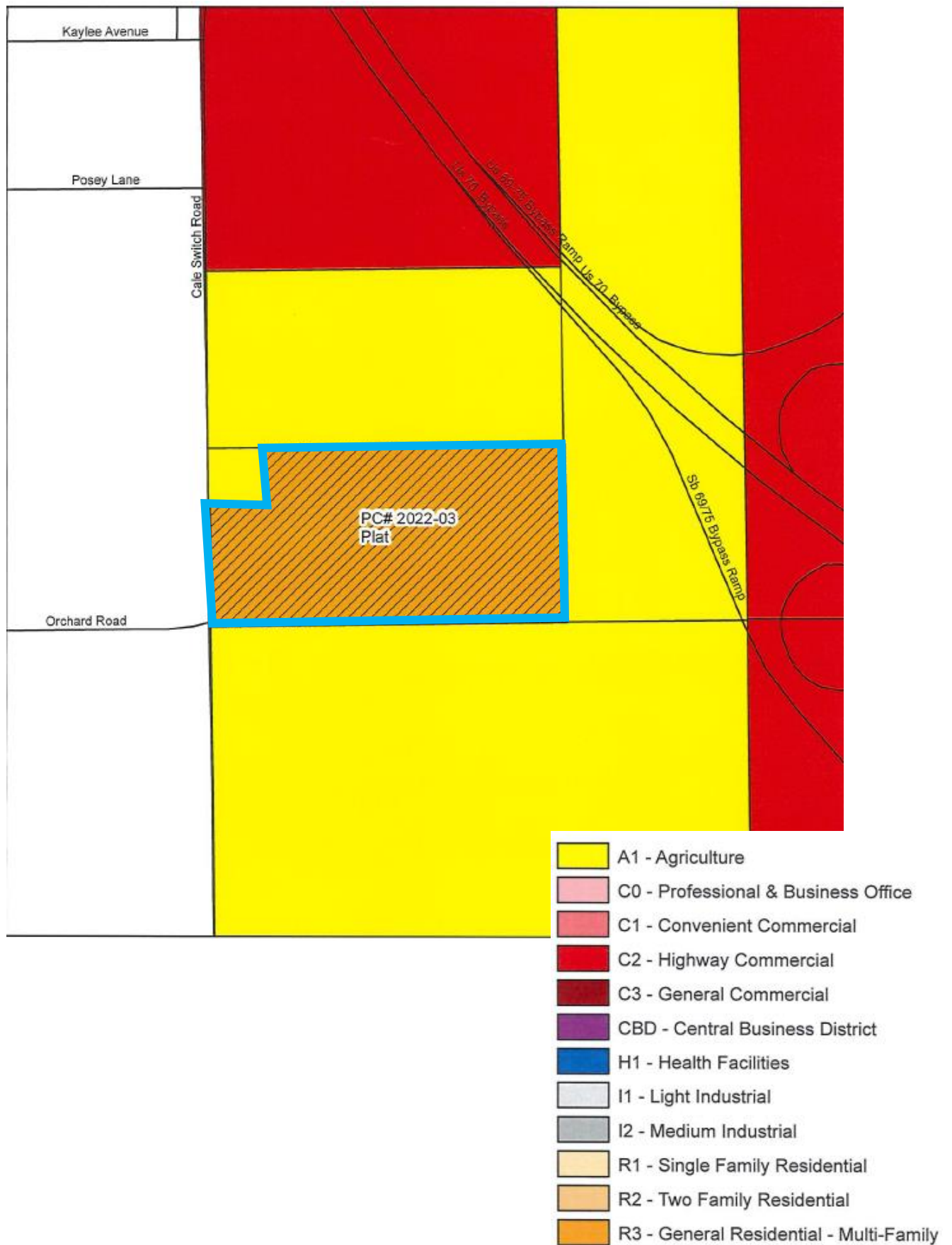
Durant Fortune Villas (Orchard & Cale Switch) PC2022-03

Department	Signature	Date	Notes
Com Dev Director Danielle O'Neal			
Public Works Phillip Hightower			
M&O Randy Cantrell			
Streets Carl Meade			
Fire Marshall Wade Boyd		2-10-22	Firewall between units Must be sprinkled.
Building Official Mark Pierce			
Engineer Brandon Wall		02/09/22	No Comments

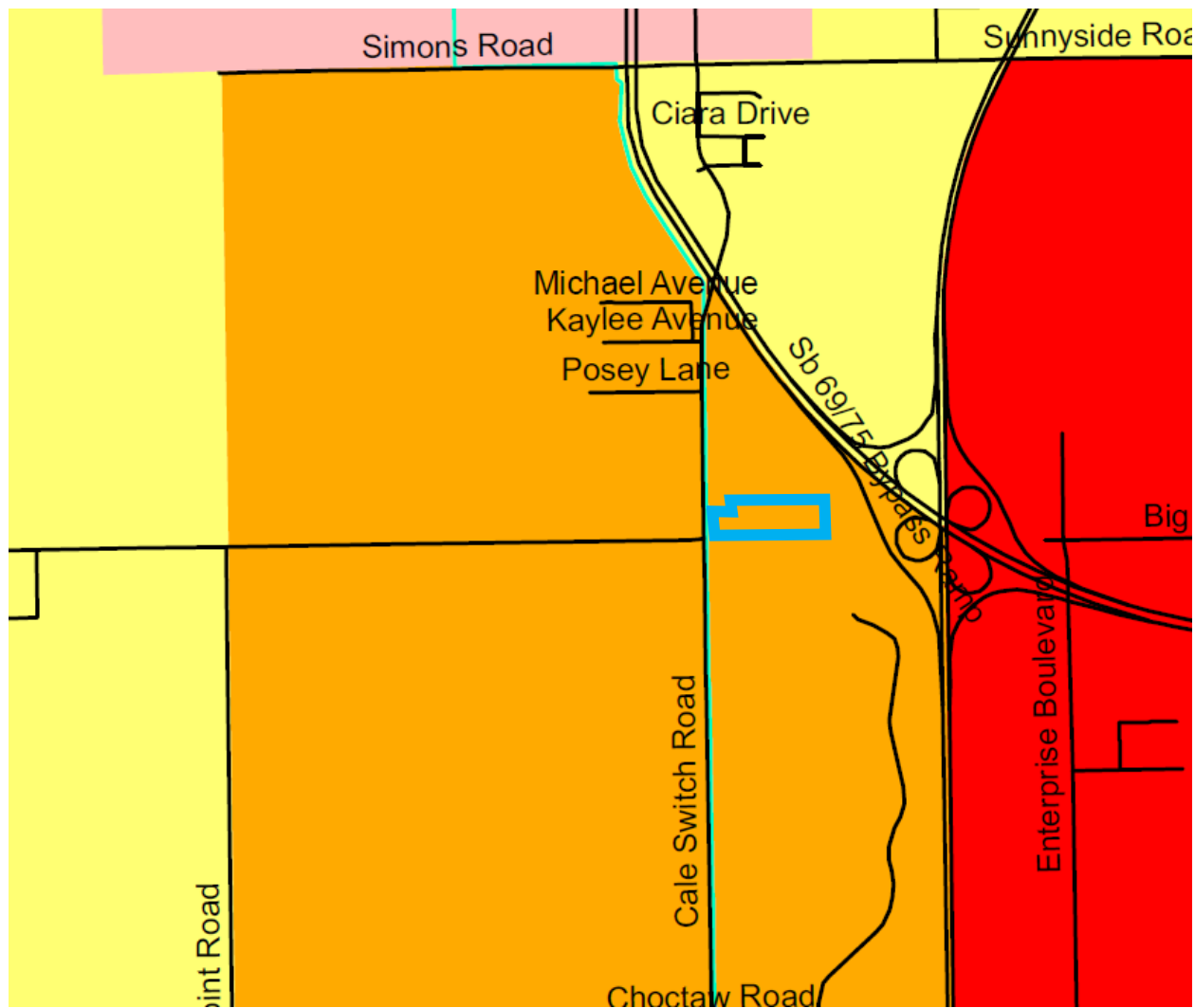
Aerial Map



Zoning Map



Future Land Use Map



Location is approximate

Future Land Use



SUBDIVISION RULES

FOR THE

CITY OF DURANT

Ordinance **O-2021-20**

Approved by City Council
on: August 10, 2021

GENERAL PROVISIONS

§ 156.001 PURPOSE AND INTENT.

(A) These regulations are designed to promote the health, safety, morals and general welfare of the community by establishing standards for the subdivision of land within the city's jurisdiction.

(B) The provisions of this chapter are specifically designed to lessen the congestion on streets; promote the orderly layout and use of land; secure safety from fire and other dangers; provide adequate light and air; facilitate adequate provisions for transportation, water, sewage, schools, parks, playgrounds and other public requirements; and protect neighborhood areas from the hazard of through traffic.

(C) These regulations are designed, intended and should be administered according to the purposes so to achieve the following:

- (1) Implement the Comprehensive Plan;
- (2) Provide for conservation of existing standard residential areas and prevent the development of slums and blight;
- (3) Harmoniously relate the development of the various tracts of land to the existing community and facilitate the future development of adjoining tracts;
- (4) Provide that cost of improvements which primarily benefit the tract of land being developed be borne by the owners or developers of the tract and that the cost of improvements which primarily benefit the whole community be borne by the whole community;
- (5) Provide the best possible design for the tract;
- (6) Reconcile any difference of interest; and
- (7) Establish adequate and accurate records of land subdivision.

§ 156.002 POLICY.

It is the policy of the Planning Commission and the city that these regulations are adopted for the purpose of establishing standards for reviewing of plans, plats and replats as provided for in 11 O.S. § 45-104.

§ 156.003 AUTHORITY.

(A) These subdivision regulations and minimum standards for land development are adopted by resolution of the Planning Commission and ratified by ordinance of the city in accordance with the provisions in 11 O.S. §§ 45-101 through 45-104.

(B) In all cases where these regulations provide for matters to be submitted to the Secretary of the Planning Commission those matters may be submitted to the Community Development Director or alternatively to the City Manager, and in all cases where these regulations provide for approvals by or actions to be taken by the Secretary of the Planning Commission those approvals or actions may be taken by the Community Development Director or alternatively the City Manager.

§ 156.004 VALIDITY.

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

§ 156.005 ADMINISTRATION AND AMENDMENTS.

The Planning Commission and City Council 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 be expedited. These regulations may be enlarged or amended by the City Council after public hearing, due notice of which shall be given as required by law.

§ 156.006 JURISDICTIONS.

These regulations and development standards shall apply to the following forms of land subdivision:

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

§ 156.007 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADDITION. One lot, tract or parcel of land lying within the corporate boundaries of the city which is intended for the purpose of development.

ALLEY. A minor right-of-way dedicated to the public use, which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street and may be used for public utility purposes.

AMENDED PLAT. A revised plat correcting errors or making minor changes to the original recorded final plat.

AMENITY. An improvement to be dedicated to the public or the common ownership of the lot owners of the subdivision and providing an aesthetic, recreational or other benefit, other than those prescribed by this ordinance.

BLOCK. A parcel of land, intended to be used for urban purposes, which is entirely surrounded by public streets, highways, railroad rights-of-way, public walks, parks or greenstrips, rural land or drainage channels or a combination thereof.

BOND. Any form of a surety bond in an amount and form satisfactory to the city.

BUILDING LINE or **SETBACK LINE.** A line or lines designating the area outside of which buildings may not be erected.

CAPITAL IMPROVEMENTS PROGRAM. The official proposed schedule of all future public projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project, as adopted by City Council.

CITY ENGINEER. The official with responsibility to review and release plans for construction projects, or his designee.

CITY. The City of Durant, Oklahoma.

COMMISSION. The Planning Commission for the City of Durant.

COMPREHENSIVE or GENERAL PLAN. A plan for development of the city prepared and adopted by the City Council, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof.

CONSTRUCTION PLAN. The maps or drawings accompanying a plat and showing the specific location and design of public improvements to be installed in the subdivision or addition in accordance with the requirements of the Planning Commission as a condition of the approval of the plat.

CONTIGUOUS. Lots are contiguous when at least one boundary line of one lot touches a boundary line or lines of another lot.

COUNCIL. The City Council of the City of Durant, Oklahoma.

COUNTY. Bryan County, Oklahoma.

DEDICATION PLAT. A plat prepared for the purpose of dedicating land or easements for rights-of-way to the city.

DEVELOPER. The person, business, corporation or association responsible for the development of the subdivision or addition. In most contexts the terms Developer and Property Owner are used interchangeably in these regulations.

DEVELOPMENT EXACTION. Any dedication of land or easements for, construction of, or contribution toward construction of a public improvement required as a condition of plat approval by the city under these regulations.

DEVELOPMENT. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, paving, drainage or utilities, but not agricultural activities.

DIRECTOR. The Director of the Community Development Department of the City of Durant, or his/her designee.

DRAINAGE WAY. All land areas needed to allow passage of the Base Flood, including sufficient access above the Base Flood elevation along each side of and parallel to the natural or excavated channel.

EASEMENT. A grant by the property owner to the public, a corporation or persons of the use of a strip of land for specific purposes.

ESCROW. A deposit of cash with the city in accordance with city policies.

FINAL PLAT. The map of a subdivision or addition to be recorded after recommendation of the Planning Commission and approval of the City Council. Including any accompanying material and additional requirements as described in these regulations.

FLOODPLAIN. Any land area susceptible to being inundated by water from the base flood.

IMPROVEMENT AGREEMENT. A contract entered into by the developer and the city by which the developer promises to complete the required public improvements within the subdivision or addition within a specified time period following final plat approval.

LOT OF RECORD. A lot created prior to January 1, 2008, which is the date of enactment of these subdivision regulations for the City of Durant through Ordinance. No. 1573.

LOT, CORNER. A lot which has at least two adjacent sides abutting for the full lengths on a street, provided that the interior angle at the intersection of such two sides is less than 135 degrees.

LOT, DOUBLE FRONTAGE. A lot which runs through a block from street to street and which has two nonintersecting sides abutting on two or more streets.

LOT. A subdivision of a block or other parcel intended as a unit for the transfer of ownership or for development.

MAJOR PLAT. All plats not classified as minor plats, including but not limited to subdivisions of more than four (4) lots, or any plat requiring creation of any new street or extension of the city's facilities.

MINOR PLAT. A subdivision resulting in four or fewer lots and not requiring the creation of any new street or the extension of municipal facilities.

MUNICIPAL FACILITY. An improvement owned and maintained by the city.

OFF-SITE IMPROVEMENT. Any public improvement located outside the physical boundaries of the subdivision or addition to be platted.

PERIMETER STREET. Any existing or planned street which abuts the subdivision or addition to be platted.

PRELIMINARY PLAT. A map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed subdivision of land that has a recommendation of the Planning Commission and is approved by the City Council.

PLAT. The plan or map for the subdivision or addition to be filed for record in the County where such subdivision or addition is located.

PLATTING. The act of preparing for approval and processing, pursuant to these regulations, the plan or map for the subdivision or addition to be filed for record in the County where such subdivision or addition is located.

PRIVATE STREETS & ALLEYS. A private vehicular access way shared by and serving two or more lots, which is not dedicated to the public and is not publicly maintained. Private streets and alleys may be established only under the terms of these regulations. The term private street shall be inclusive of alleys.

PROPERTY OWNER. Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land comprising the subdivision or addition, or any representative or agent thereto, who has express written authority to act on behalf of such owner.

PUBLIC IMPROVEMENT. Any drainage way, roadway, parkway, sidewalk, utility, pedestrian way, off-street parking area, lot improvement, open space, or other facility for which the city or other governmental entity will ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

REMAINDER. The residual land left after platting of a portion of a tract. Platting of a residual may in some instances be required under the provisions of this ordinance.

REPLATTING. Any change in a map of an approved or recorded plat, except as permitted as an amended plat, that affects any street layout on the map or area reserved or dedicated thereon for public use or any lot line, or that affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions or additions. Replatting includes the combination of lots into a single lot for purposes of development. Replatting does require a recommendation from the Planning Commission and approval of the City Council.

RESUBDIVISION. The replatting of a subdivision plat.

RIGHT-OF-WAY. A parcel of land occupied or intended to be occupied by a street or alley. Where appropriate right-of-way may include other facilities and utilities, such as sidewalks, railroad crossings, electrical, communication, oil or gas, water or sanitary or storm sewer facilities, or for any other special use. The use of right-of-way shall also include parkways and medians outside of pavement. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

ROADWAY. That portion of any street so designated for vehicular traffic and where curbs are normally placed, means that portion of the street between the curbs.

SECURITY. The letter of credit or cash escrow provided by the applicant to secure its promises in the improvement agreement.

SKETCH PLAT. A sketch preparatory to the preliminary plat or final plat, to enable the property owner to save time and expense in reaching general agreement with the Planning Commission and City Council as to the form of the plat and the objectives of these regulations.

STREET, COLLECTOR. A minor street as designated on the major street plan which collects traffic from other minor streets and serves as the most direct route to a major street or a community facility.

STREET, CUL-DE-SAC. A minor street having one end open to vehicular traffic and having one closed end terminated by a turnaround.

STREET, FRONTAGE OR SERVICE. A minor street auxiliary to and located on the side of a major street for service to abutting properties and adjacent areas and for control of access.

STREET, MAJOR. An arterial street which is designated on the major street plan or comprehensive plan.

STREET, MINOR. Any street not classified as a major street on the major street plan whose primary purpose is to provide access to adjacent properties.

SUBDIVIDER. Any person, firm, partnership, corporation or other entity, acting as a unit, subdividing or proposing to subdivide land as herein defined.

SUBDIVISION. A division of any tract of land situated within the corporate limits, or within the extraterritorial jurisdiction or regional planning district of the city, into two or more parts for the purpose of laying out any subdivision of any tracts of land or any addition to the city or for laying out suburban lots or building lots, or any lots, and streets, alleys or parts or other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto for the purpose, whether immediate or future, of creating building sites.

SUBSTANDARD STREET. An existing street, or highway that does not meet the minimum specifications in the Thoroughfare Standards Ordinance and city Construction Standards and Specifications, or if a State Highway does not meet the minimum Standard Specifications of the Oklahoma Department of Transportation and is not constructed to the ultimate extent for the type of roadway it is designated for in the major thoroughfare plan. A standard street is a street or highway that meets or exceeds said standard specifications and major thoroughfare plan.

TEMPORARY IMPROVEMENT. Improvements built and maintained by an owner during construction of the development of the subdivision or addition and prior to release of the performance bond or improvements required for the short term use of the property.

GENERAL PROCEDURE

§ 156.020 PLAT APPROVAL.

For all cases of subdividing within the scope of these regulations, a plat of the land in question or an easement with a description in writing when appropriate shall be drawn and submitted to the Planning Commission and City Council for their approval or disapproval, as provided hereafter in these regulations.

§ 156.021 TIME LIMITATIONS.

(A) *Sketch Plats.* The applicant shall submit to the Community Development Department two copies including a digital copy of the proposed sketch plat. A notice of public hearing shall

be published in an official paper or a newspaper of general circulation in the city at least 15 days prior to the date of the public meeting. Notice shall be mailed to all owners of property located within 300 feet of the subject property as provided by a certified abstractor's list as the applicant's cost at least 20 days prior to the hearing. The sketch plat must receive a recommendation by the Planning Commission and be approved by the City Council. The approval of a sketch plat shall be valid for a period of two years. If a preliminary plat covering all or part of the land shown in a sketch plat has not been filed with the Secretary of the Planning Commission within two years of the date of approval of the sketch plat, then all approvals shall be void and the land owner shall have no rights or privileges based upon the former approval.

(B) *Preliminary Plats.* The applicant shall submit to the Community Development Department four copies including a digital copy of the preliminary plat and one copy of the preliminary plat check list. A notice of public hearing shall be published in an official paper or a newspaper of general circulation in the city at least 15 days prior to the date of the public meeting. Notice shall be mailed to all owners of property located within 300 feet of the subject property as provided by a certified abstractor's list at the applicant's cost at least 20 days prior to the hearing. At the option of the applicant a preliminary plat may be submitted without the necessary improvement plans with a request for conditional approval from the City Council after receiving a recommendation from the Planning Commission. After the granting of a conditional approval of such a partial submission of a preliminary plat, the applicant shall submit the necessary improvement plans within six months. If the improvement plans are not submitted within six months all conditional approvals shall be void. The Planning Commission and the City Council shall act upon all submissions related to the preliminary plats within 75 days of the receipt of materials or the plat shall be considered to have been approved. If a final plat covering all or part of the land shown in a preliminary plat has not been filed with the Community Development Department within two years after the approval of the preliminary plat, then all approvals shall be void.

(C) *Final Plats.* The applicant shall submit to the Community Development Department four copies including a digital copy of the final plat and two copies of the as-built plans for all improvements installed. A notice of public hearing shall be published in an official paper or a newspaper of general circulation in the city at least 15 days prior to the date of the public meeting. Notice shall be mailed to all owners of property located within 300 feet of the subject property as provided by a certified abstractor's list at the applicant's cost at least 20 days prior to the hearing. The Planning Commission and City Council shall act upon all submissions related to final plats within 75 days of the date of receipt of materials or the plat shall be considered to have been approved. If a final plat is not filed of record with the County Clerk within six months after the approval of the Planning Commission and City Council, then all approvals shall be void.

(D) *Certified Abstractor's List.* The certified abstractor's list will expire after 60 days of issuance. It will remain at the owner's cost to provide an updated list to Community Development.

§ 156.022 OFFICIAL RECORDING.

Except as provided and lots of record established prior to the effective date of these regulations (January 1, 2008), no plat or other land subdivision instrument shall be filed in the office of the County Clerk until it shall have been approved by the Planning Commission and by the City

Council as hereinafter set forth. All final plats shall be filed within two years of date of approval by the Planning Commission and City Council, and no lots shall be sold from any plat until recorded. Time extensions of the two-year filing requirement may be granted by the City Council after recommendation of the Planning Commission upon review of the final plat and a finding that circumstances prevail substantially as of the time of original approval.

§ 156.023 AGENDA.

Each plat submitted for preliminary or final approval shall be placed on the agenda of the Planning Commission only after fulfilling the appropriate requirements of these regulations. However, a plat not meeting all of the requirements may be submitted providing the subdivider presents with the plat a written request for specific exceptions and explains the reasons therefore.

§ 156.024 FILING FEE.

(A) Fees, as set by the City Council by resolution or motion, shall be paid to the city at the time of submitting each of the respective plats and applications for a hearing before the Planning Commission or Board of Adjustments.

(B) No part of the subdivision plat or hearing fees shall be refundable.

§ 156.025 VARIATIONS AND EXCEPTIONS.

Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these regulations would result in substantial hardship or inequity, the City Council may vary or modify, except as otherwise indicated, such requirements of design, but not of procedure or improvements, so that the subdivider may develop his or her property in a reasonable manner, but so, at the same time, that the public welfare and interests of the city are protected and that the general intent and spirit of these regulations be preserved. Such modification may be granted upon written request of the subdivider stating the reasons for each modification and such action shall be taken by the affirmative vote of three-fourths of the regular membership of the Planning Commission and confirmed by a simple majority vote of the City Council.

§ 156.026 SURETY BOND.

In lieu of filing a surety bond the subdivider or developer may secure and place on deposit with the city an irrevocable letter of credit or comparable instrument from a title company, banking institution or similar financial institution, stating that money will be held in escrow until all offsite improvements have been completed to the city's satisfaction. Such letter of credit or financial instrument shall be drawn in favor of the city for the entire cost of improvements for water mains, paving, sanitary sewers, storm sewers and other drainage facilities as estimated by the subdivider's registered professional engineer and approved by the City Engineer. The Building Official / Inspector or his or her designee, shall issue no building permit until the contractor submits offsite improvement plans for the project, conforming to the city standards, specifications and requirements. Upon completion of the public improvements the "as built" drawings shall be supplied by the developer's design engineer to the city.

§ 156.027 EXTENSION AND REINSTATEMENT PROCEDURE

(A) Sixty days prior to or following the lapse of approval for a sketch plat, preliminary plat, or final plat as provided in these regulations, the property owner may petition the Planning Commission and the City Council to extend or reinstate the approval. Such petition shall be considered for recommendation at a public meeting of the Planning Commission and shall be considered at the City Council.

(B) In determining whether to grant such requests, the Planning Commission and the City Council shall take into account the reasons for the lapse, the ability of the property owner to comply with any conditions attached to the original approval and the extent to which newly adopted subdivision regulations shall apply to the plat. The Planning Commission and the City Council shall extend or reinstate the plat, or deny the request, in which instance the property owner must submit a new application for approval.

(C) The Planning Commission and the City Council may extend or reinstate the approval subject to additional conditions based upon newly enacted regulations or such as are necessary to assure compliance with the original conditions of approval. The Planning Commission and the City Council may also specify a shorter time for lapse of the extended or reinstated plat than is applicable to original approvals.

(D) The approval of a preliminary plat for a portion or phase of a sketch plat, or the approval of a final plat for a portion or phase of a preliminary plat, shall not automatically affect the expiration of approval of the sketch plat or preliminary plat as it pertains to the balance of the property. Extensions and reinstatement of a sketch plat, preliminary plat, or final plat may be approved under the provisions of this section.

§ 156.028 AMENDMENTS TO SKETCH PLAT OR PRELIMINARY PLAT

(A) At any time following the approval of a sketch plat or preliminary plat, and before the lapse of such approval, a property owner may request an amendment. The rerouting of streets, addition or deletion of alleys, or addition or deletion of more than 10% of the approved number of lots shall be considered a major amendment. The adjustment of street and alley alignments, lengths, and paving details; the addition or deletion of lots within 10% of the approved number and the adjustment of lot lines shall be considered minor amendments.

(B) *Approval.* The City Council shall approve, conditionally approve or disapprove after recommendation from the Planning Commission any proposed amendment and may make any modifications in the terms and conditions of preliminary plat approval reasonably related to the proposed amendment. This shall occur at a public meeting in accordance with the same requirements for the approval of a sketch plat or preliminary plat.

(C) *Retaining Previous Approval.* If the applicant is unwilling to accept the proposed amendment under the terms and conditions required by the Planning Commission and the City Council, the applicant may withdraw the proposed amendment.

PLATTING PROCEDURES

§ 156.040 GENERAL.

(A) Whenever any subdivision of land is proposed, before any contract is made for the sale of any part of the land, before any permit for the erection of a structure in such proposed subdivision shall be granted, the owner of the land shall apply for and secure a recommendation the Planning Commission and approval of the City Council of such proposed subdivision. The proposed subdivision may be processed a standard subdivision as follows:

- (1) Standard subdivision:
 - (a) Sketch plat;
 - (b) Preliminary plat (and construction plans for improvements);
 - (c) Final plat;
 - (d) Building permit; and
 - (e) Occupancy permit;
- (2) Re-Plat.

(B) Upon initial receipt of a subdivision proposal, the Community Development Director shall determine if the proposal shall be classified as a minor or major subdivision or a re-plat. The Community Development Director shall determine what information, drawings and procedure will be necessary for the submission of the subdivision to the Planning Commission as well as to the City Council in accordance with these regulations and the policies of the Planning Commission and of the City Council. The Community Development Director, shall consider in each case the nature of a proposed subdivision and the relationship of the proposal to surrounding land uses, topography, property shape, property size, adjacent ownership, public access and public facilities in order to determine the extent to which the platting process must be followed. The above determinations of the Community Development Director may be reviewed and revised by the Planning Commission, and then the City Council upon request of the subdivider.

§ 156.041 CLASSIFICATION OF SUBDIVISIONS AND ADDITION AS MINOR OR MAJOR.

(A) Before any land is platted, the property owner shall apply for and secure approval of the proposed subdivision plat or addition plat in accordance with the following procedures, unless otherwise provided by these regulations. Subdivisions are classified as major or minor depending on the number of lots proposed and the extent of public improvements required.

(1) Minor subdivisions shall create no more than four lots and do not require the creation of a new street or the extension of municipal facilities. Minor subdivisions may be approved for residential and non-residential properties. Conveyance plats may be approved under the procedure for minor subdivisions provided that they establish no more than four lots and do not create a new street or extend municipal facilities. Minor plat approval requires the submission of

a final plat as described under these regulations, or the submission of a conveyance plat as described under these regulations.

(2) Major subdivisions involve the creation of new streets, the extension of municipal facilities or the creation of more than four lots. Major subdivisions may be approved for residential and non-residential properties. Conveyance plats are considered major subdivisions if they create more than four lots or involve the creation of new streets or the extension of municipal facilities. The procedure for approving a major plat typically requires three steps: sketch plat, preliminary plat, and final plat. Sketch plats require recommendation of the Planning Commission and approval of the City Council. The sketch plat requirement may be omitted if the subdivision creates no more than one new street and the Community Development Director determines that sufficient information exist to begin preparation of a preliminary plat. A concept plan or preliminary site plan that contains sufficient information to provide for the proper coordination of the development may be required for non-residential property

Except as otherwise permitted, the preliminary plat shall have a recommendation from the Planning Commission and approval by City Council and the approval of a preliminary plat is required prior to the construction of public improvements to the property. The preliminary plat and the associated engineering plans for the property may be amended during construction, with only major changes requiring reapproval by the City Council after recommendation of the Planning Commission. Major changes shall include amendments to any infrastructure that is expected to be adopted by the City of Durant or will impact infrastructure that is already adopted by the City of Durant.

Upon completion of the required public improvements, or the provision of a subdivision improvement agreement described in these regulations, the owner may submit a corrected final plat for the subdivision. Lots may be sold and building permits obtained after recommendation of the Planning Commission and approval of the plat by the City Council, and filing of the signed plat.

§ 156.042 SKETCH PLAT.

(A) *Purpose.* The purpose of the sketch plat is to provide the subdivider, the Planning Commission and the governing bodies an opportunity to identify any problems concerning the land use, general design and overall approaches to installation of improvements before the expenditure of large amounts of money and manpower in the preparation of more detailed platting documents. This step in the overall subdivision process is very important because it is at the initial part of the process when decisions are to be made that can have great value from the fulfillment of the comprehensive plan; or, conversely decisions wrongly made at this point can be very damaging to the fulfillment of the comprehensive plan. It is important that all of the land to be included in the proposed subdivision shall be included in the sketch plat so that an overview of an entire area can be accomplished.

(B) Before preparing the sketch plat the subdivider should review these regulations and discuss with the Community Development Director the procedures for the adoption of a subdivision plat and the general requirements as to the layout of streets and for any reservations of land, street improvements, drainage, sewerage, water supply, fire protection, the availability of services and similar matters.

(C) *Applicability.* A sketch plat shall be required as a condition precedent to approval of any application for a major plat, except where the Community Development Director determines:

(1) The subdivision will result in no more than one new street and sufficient information exists to begin preparation of a preliminary plat, or

(2) A concept plan, preliminary site plan or final site plan for the property provides sufficient information for the preparation of a preliminary plat.

(D) *Phasing of Development.* The City Council after recommendation of the Planning Commission may permit a sketch plat for a major plat to be divided into two or more phases, as indicated on the sketch plat, provided each phase satisfies the requirements of this ordinance. In considering phasing of a sketch plat, the City Council may approve certain conditions as it deems necessary to assure the orderly development of the platted land. Such conditions may include but are not limited to temporary street and alley extensions, temporary cul-de-sacs, and off-site utility extensions.

(E) *Application Procedure and Requirements:*

(1) *Pre-application Conference.* Before preparing the sketch plat, the applicant is strongly encouraged to schedule an appointment and meet with the Community Development Director to discuss the procedures for approval of the plat and the requirements as to general layout of streets and or reservations of land, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services.

(2) *General Application Requirements.* Prior to platting of the land, the property owner shall file an application for approval of a sketch plat with the Community Development Department. The application and sketch plat shall meet the following minimum requirements:

(a) The application shall include all contiguous holdings of the property owner with an indication of the portion which is proposed to be developed or offered, sold or leased, accompanied by an affidavit of ownership, which includes an address and telephone number of an agent who shall be authorized to receive all notices required by these regulations.

(b) The study shall be drawn to scale of 1" = 200' or larger.

(c) The lower right hand corner of the sketch plat shall contain a title block clearly showing the proposed name of the subdivision or addition, the name and address of the Owner and the Engineer or Surveyor responsible for the designer survey, the scale of the drawing, the date the drawing was prepared, and the legal description of the tract.

(d) The sketch plat shall clearly show the limits of the tract and scale distances. True north shall be clearly indicated and shall be to the top or left of the study.

(e) The sketch plat shall show the names of adjacent subdivisions or additions or the name of record owners of adjoining parcels of unplatted land.

(f) The study shall contain the existing zoning on adjoining land, the location, width, and names of all existing or platted streets or other public ways within or adjacent to the tract, existing permanent buildings, railroad rights-of-way, utility and drainage easements, and topography with existing drainage channels or creeks, and other important features such as tree groupings, vegetation, political subdivisions or corporate limits and school district boundaries.

(g) The study shall show the layout, names and width of proposed thoroughfares, collector streets, and intersections, and shall show a general configuration of proposed streets and alleys.

(h) The study shall show a general arrangement of land uses, including but not limited to park and school sites, municipal facilities, private open space, floodplains and drainage ways, phasing plan, and proposed non-residential and residential uses and densities.

(i) The study shall show the location and style of streetlights within the subdivision.

(j) The study shall show the location and dimension of sidewalks throughout the subdivision.

(3) *Additional Requirements Prerequisite to Preliminary Plat Approval.* Except as permitted, prior to the submittal of a preliminary plat, the applicant shall submit for approval a sketch plat, at a scale of 1" = 100' or larger, depicting all information required and the following additional items:

(a) The layout, names, and width of proposed streets, alleys, and easements.

(b) Layout, numbers, and approximate dimensions of proposed lots and all building lines.

(c) The location of proposed screening walls and/or other forms of screening shall be clearly indicated.

(d) Existing contours of the tract in intervals of two feet or less, referred to sea level datum.

(e) Existing sewers, water mains, culverts, or other underground structures within the tract and immediately adjacent thereto with pipe sizes and locations included.

(f) Proposed water, sanitary sewer and storm sewer pipe lines with culverts, bridges, and other appurtenances or structures shown.

(g) Storm water retention or detention basins as required.

(h) Erosion mitigation of lots or roads next to creeks and drainage ways.

(i) General landscape information.

(4) *Standards for Approval.* No sketch plat shall be approved by the City Council for a plat which is intended for development unless it conforms to the Comprehensive Plan and the development ordinances of the city.

(5) *Approval Procedure.* After review of the sketch plat, the report and pertinent information as it relates to the plat and the exhibits submitted at a scheduled meeting, the Planning Commission shall recommend approval, conditional approval or disapproval the sketch plat. The sketch plat with the recommendation of the Planning Commission and the Community Development Director will be heard at a scheduled meeting of the City Council, who shall approve, conditionally approve or disapprove the sketch plat. One (1) copy of the proposed sketch plat shall be returned to the owner with the date of approval or disapproval and the reasons therefore accompanying the copy.

(6) *Effect of Approval.* Approval of the sketch plat in conformance to these procedures by the City Council constitutes authorization by the city for the property owner to submit application for approval of a preliminary plat subject to compliance with any conditions attached to approval of the sketch plat. The approval of any study or plat other than a preliminary plat does not certify the availability or capacity of infrastructure or that the property is suitable for development. The determination of infrastructure needs and capacity and the delineation of floodplain or other limitations on development will be done only during the review and approval of either a preliminary or final plat complete with required engineering plans and studies.

§ 156.043 PRELIMINARY PLAT.

(A) *Purpose.* The purpose of the preliminary plat is to provide an interim step in the procedure at which point the subdivider shall present drawings of the detail features of the subdivision. It is at this point that the items discussed at the sketch plat stage and as set down herein are prepared in a form from which determinations can be made as to the technical workability of the development proposal. If the subdivider is not required to go through the sketch plat process, the subdivider will be required to have a pre-application conference with city staff.

(B) After the City Council has approved the sketch plat, the subdivider may proceed with the preparation of the preliminary plat. After the subdivider has prepared the preliminary plat he or she may take either of the following actions:

(1) He or she may present the preliminary plat and preliminary plat checklist to the Planning Commission and the City Council and obtain approval thereof before proceeding with preparation of the improvement plans; or

(2) He or she may present the improvement plans and improvement plans checklist to the Planning Commission and the City Council at the time the preliminary plat and preliminary plat checklist are presented.

(C) Whenever the subdivider presents to the Planning Commission and City Council a preliminary plat and preliminary plat checklist, without improvement plans, the City Council may conditionally approve the preliminary plat, subject to City Council approval of the improvement plans within six months following the preliminary plat conditional approval.

(D) After review of the preliminary plat, the Planning Commission shall give a recommendation and the City Council shall, within 60 days of its submission, approve, conditionally approve or reject the plat. The subdivider shall be notified in writing of this action, together with any conditions of approval or the reasons for rejection.

(E) Whenever the subdivider presents to the Planning Commission and the City Council the preliminary plat, preliminary plat checklist, improvement plans and improvement plans checklist and the Planning Commission and the City Council finds that the plat and improvement plans meet all the requirements of these regulations, it shall approve the preliminary plat and improvement plans by placing a certificate of approval upon each copy of the plat and plans. Such certificate of approval shall bear the signature of the Chairperson and Secretary of the Planning Commission and Mayor of the City Council and shall provide that the approval given thereby does not constitute approval for purposes of recording.

(F) Approval of the preliminary plat shall not in all cases entitle the subdivider to approval of the final plat. Upon preliminary approval, if any conditions arise which would cause the preliminary plat to become unsatisfactory due to health, safety or welfare of the community, the Planning Commission shall recommend that the final plat be rejected.

(G) *Application Procedure and Requirements.* On forms approved by the city, the applicant shall file for approval of a preliminary plat, which conforms substantially with the sketch plat (if required) or alternate plan submitted by the applicant. The plat shall be prepared by or under the supervision of a registered public surveyor in the State of Oklahoma and shall bear his seal, signature and date on each sheet. The payment of all applicable fees shall be required at the time of submission.

- (1) *General Application Requirement.* Copies of the proposed preliminary plat shall be at a scale of 1" = 100' or larger and in a form substantially as follows:
- (a) The boundary lines with accurate distances and bearings and the exact location and width of all existing or recorded streets intersecting or abutting the boundary of the tract.
 - (b) True bearings and distances to the nearest established street lines and monuments, which shall be accurately described on the plat.
 - (c) Specific landscape plan.
 - (d) The exact layout including:
 - (i) *Proposed street names* - Street names must be submitted to the Community Development Department for approval in accordance with the city's guidelines for the naming of streets. The Community Development Department will maintain an index of street names which will contain these guidelines. Street names and subdivision names are fixed at the time of approval of the preliminary plat. A fee, as set by the City Council by motion or resolution, will be charged to change street names and subdivision names after approval of the preliminary plat.
 - (ii) The length of all arcs, radii, internal angles, points of curvature, length, and bearings of the tangents.
 - (iii) All easements for rights-of-way provided for public services or utilities and any limitations of the easements.
 - (iv) All lot numbers and lines with accurate dimensions in feet and hundredths of feet and with bearings and angles to street and alley lines.
 - (v) The location of the centerline of creeks or drainage ways should be tied with accurate dimensions in feet and hundredths of feet with bearings and angles. No unplatted remainder will be allowed between property boundaries and centerlines of creeks.
 - (e) The accurate location, material, and size of all monuments approved by the City Engineer. Horizontal and vertical control data shall be established for a minimum of two (2) corners of the subdivision or addition. One-inch iron rods shall be set at all block corners, angle points, points of corners, and points of tangents. One-half inch iron rods shall be set at all other lot corners.
 - (f) The accurate outline of all property which is offered for dedication for public use with the purpose indicated thereon, and of all property that may be reserved by deed covenant for the common use of the property owners in the subdivision or addition.
 - (g) Building setback lines.
 - (h) Location of streetlights
 - (i) Location, dimension and construction drawings for sidewalks throughout the subdivision
 - (j) Special restrictions including, but not limited to, drainage and floodway, fire lanes, and screening.
 - (k) Proposed name of the subdivision or addition. The name shall not duplicate, be the same in spelling or alike in pronunciation with any other recorded subdivision.

- (l) Names of adjacent subdivisions or additions or the name of record owners of adjoining parcels of unplatted land.
 - (m) Name and address of the property owner, the owner's Surveyor, and the owner's Engineer.
 - (n) North point, scale, and date.
 - (o) Legal description according to the real estate records maintained by the County Clerk's office and area calculations.
 - (p) Location by section, town, range, township, county and state.
 - (q) Additional documents necessary for dedication or conveyance of easements or rights-of-way, as required by the city. The city may, in some instances, require the conveyance of fee simple title for certain rights-of-way.
 - (r) Entry easements to allow city inspectors to enter the property being platted for the purpose of inspecting the construction of the public improvements.
 - (s) Important features such as existing permanent buildings;
 - (1) Large trees and water courses;
 - (2) Parks and other public lands;
 - (3) railway lines *or easements*;
 - (4) Existing public easements;
 - (5) Oil and gas lines or wells as shown on the records of the Oklahoma Corporation Commission (including abandoned or gas or oil wells and dry holes which remain unplugged),
 - (6) Existing utilities including sewer, water mains, culverts and other underground structures within the tract or immediately adjacent thereto, showing pipe sizes and grades indicates;
 - (7) Contours at intervals of 2 feet which are referenced to USGS data; and
 - (8) Any other relevant feature necessary for a full and complete understanding of the proposed subdivision.
 - (t) Title of document and a vicinity sketch drawn to a scale of a maximum of 2,000 feet to the inch.
 - (u) Copies of any private restrictions to be included in the deeds shall be attached to the preliminary plat.
 - (v) Regulatory flood boundaries, and the ten (10) year flood boundaries.
-
- (2) Other Required Documents and Information to Be Filed With Preliminary Plat.
 - (a) Proposed covenants and deed restrictions, if any.
 - (b) Source of water supply.
 - (c) Provisions for sewage disposal.
 - (d) Construction Plans

(3) *Standards for Approval.* No preliminary plat shall be approved by the City Council unless the following standards have been met:

(a) The plat substantially conforms with the approved sketch plat or other study as provided in these regulations.

(b) The construction plans have been reviewed by the City Engineer.

(c) Provision for installation and dedication of public improvements has been made.

(d) The plat conforms to applicable zoning and other regulations.

(e) The plat meets all other requirements of these regulations.

(4) *Timing of Public Improvements:*

(a) The City Council may require that all public improvements be installed, offered for dedication, and ready for acceptance by the city prior to the signing of the final plat.

The City Council may permit or require the deferral of the construction of public improvements if in its judgment, deferring the construction would not result in any harm to the public, or offer significant advantage in coordinating the site's development with adjacent properties and off-site public improvements. Any required public improvement(s) approved for deferred construction must be provided for as required prior to the approval of the final plat.

(b) If the City Council does not require that all public improvements be installed, offered for dedication and accepted by the city prior to signing of the final plat, it shall require that the applicant execute an improvement agreement and provide security for the agreement as provided in these regulations.

(c) This procedure shall also apply to the approval of a final plat if the preliminary plat is omitted.

(5) *Approval Procedure.* After review of the preliminary plat, the report and pertinent information for the Community Development Director concerning the land study and the application, the report and recommendation of the City Engineer on the construction plans, and any exhibits submitted at a public meeting, the applicant shall be advised of any required changes and/or additions. The Planning Commission shall make a recommendation and the City Council shall approve or disapprove the preliminary plat. One (1) copy of the proposed preliminary plat shall be returned to the owner with the date of approval, conditional approval or disapproval and the reasons therefore accompanying the plat.

(6) *Effect of Approval* - Approval of a preliminary plat by the City Council constitutes authorization for the City Engineer to release construction plans subject to his final approval and for the City Engineer to authorize for the property owner to commence grading of the site and construction of such public improvements as are required by the Planning Commission and the City Council. Approval of a preliminary plat also authorizes the property owner, upon fulfillment of all requirements and conditions of approval, to submit for approval an application for final plat approval. Upon release of the construction plans, the City Engineer may, upon request of the applicant, issue a certificate indicating the construction plans have been released and construction of the improvement is thereafter authorized. Additional certificates may be issued by the City Engineer authorizing the construction of private utilities on a phased schedule. The certificate shall read as follows:

"The preliminary plat for (insert name of the subdivision or addition) as approved by the City of Durant City Council on (insert date of approval) is authorized for use with engineering plans for the construction of public improvements as approved by the City Engineer. A final plat shall be approved by the City Council and have a recommendation from the Planning Commission upon the completion of all public improvements or the provision of a subdivision improvement agreement under the terms of the Subdivision Ordinance and submission of a final plat in compliance with the Subdivision Ordinance of the City of Durant.

Zoning regulations that affect exterior appearance of a single-family house or the landscaping of a single-family lot and that are adopted after approval of a preliminary plat for a single-family residential development, shall not apply for a period of two years from the latter of the date of plat approval or the date of the acceptance of public improvements related to the plat."

(7) *Lapse of Preliminary Plat Approval.* The approval of a preliminary plat shall be effective for a period of two (2) years from the date that the preliminary plat is approved by the City Council, at the end of which time the applicant must have submitted and received approval for a final plat. If a final plat is not submitted and approved within two (2) years, or an extension is not granted in accordance with these regulations, the preliminary plat approval shall be null and void, and the applicant shall be required to submit a sketch plat for review subject to the then existing zoning restrictions and subdivision regulations.

(H) Construction Plan Procedure and Requirements:

(1) *General Application Requirement.* Construction plans shall be prepared by or under the supervision of a professional engineer or architect registered in the State of Oklahoma as required by state law governing such professions. Plans submitted for review by the city shall be dated and bear the responsible engineer's or architect's name, serial number and the designation of "engineer," "professional engineer," or "P.E." or "architect" and an appropriate stamp or statement near the engineer's or architect's identification, stating that the documents are for preliminary review and are not intended for construction. Final plans acceptable to the city shall bear the seal and signature of the engineer or architect and the date signed on all sheets of the plans. Public works construction in streets, alleys or easements which will be maintained by the city shall be designed by a professional engineer registered in the State of Oklahoma.

(2) *Construction Plan Review Procedure.* Copies of the construction plans, and the required number of copies of the plat shall be submitted to the City Engineer for final approval. The plans shall contain all necessary information for construction of the project, including screening walls and other special features. All materials specified shall conform to the design standards of the city. Each sheet of the plans shall contain a title block including space for the notation of revisions. This space is to be completed with each revision to the plan sheet and shall clearly note the nature of the revision and the date the revision was made. The City Engineer will release the plans for construction, after recommendation of the preliminary plat by the Planning Commission and approval by the City Council and payment of all inspection fees. Upon such release, each Contractor shall maintain one set of plans, stamped with city release, on the project at all times during construction. This procedure shall also apply to approval of a final plat, if a preliminary plat is omitted.

(3) *Failure to Commence Construction.* If construction has not commenced within one (1) year after approval of the plans, resubmittal of plans may be required by the City Engineer for

meeting current standards and engineering requirements. "Construction" shall mean installation of city maintained public improvements.

§ 156.044 FINAL PLAT.

(A) *Purpose.* The purpose of the final plat is to create a record document which accurately describes the subdivided land, both as to accurate dimensions, and as to legal provisions which are pertinent to the subdivision. Much of the reason for this step is to make the transfer of the land simpler and certain. Land sales by reference to a legally filed plat are generally less complicated and more likely to provide the precise legal situation sought. The certainty of such sales derives from the assurance of an accurate survey and processes designed to assure the provision of facilities necessary to service the land.

(B) At the time the final plat and final plat checklist are submitted to the Community Development Department, the subdivider shall take one of the following courses of action:

(1) If the subdivider elects to, deposit the surety bond as specified in § 156.026, he or she shall submit plans for all improvements required under this chapter, such plans to bear the recommendation of the Planning Commission and approval of the City Council. Upon completion of a portion of the construction of the required improvements, the City Council may release a portion of the surety bond in the amount of the costs of the constructed improvements, as estimated by the City Council, Planning Commission, Secretary or municipal staff. Before any portion of the surety bond may be released, the City Engineer, City Building Inspector or City Manager shall approve the as-built plans and specifications for that portion of the improvements for which the subdivider has requested release of the surety bond;

(2) If the subdivider elects to complete all improvements as specified in the preliminary plat, he or she shall submit the as-built specifications and as-built original tracings of all improvements. If the Community Development Director or his or her designee finds that the as-built plan and specifications comply with requirements, and that the actual construction is as shown in the plans and specifications, he or she shall endorse his or her approval thereon.

(C) All actions of the Planning Commission, whether recommending approval of final plats for all or part of an area shown in a preliminary plat shall, in so far as the plat involves dedications to the public, constitute only an authorization for the subdivider to submit the plat to the City Council to which the dedications are proposed. Such Planning Commission actions shall not constitute an acceptance of dedication or a commitment to accept dedication.

(C) *Applicability.* A final plat shall be required for subdivisions of property and the recording of single lots in accordance with these regulations.

(D) *Application Procedure and Requirements.* A final plat for a subdivision shall require recommendation by the Planning Commission and approval of the City Council. Final plats shall comply to the preliminary plat where applicable. The application shall be accompanied by the following:

(1) Four (4) paper copies and a digital copy of the proposed final plat bearing all information specified in these regulations and the following:

(a) The final plat shall be clearly and legibly prepared by a Surveyor or Engineer. The size of the map shall not be less than 22 inches by 34 inches and shall be drawn to the scale of one inch

equals 100 feet, unless the Community Development Director authorizes a different scale in writing.

(b) *Notice Statement.* "Notice: Selling a portion of this addition by metes and bounds is a violation of city ordinance and state law and is subject to fines and withholding of utilities and building permits."

(c) Name of subdivision and the name and number of any larger subdivision of which this tract now subdivided was once a part.

(d) Number of lots and the acreage platted

(e) *Boundary Lines.* The boundary lines with accurate distances and bearings and the exact location and width of all existing or recorded streets intersecting the boundary of the tract.

(f) *Bearing Distances.* True bearings and distances to the nearest established street lines and monuments, which shall be accurately described on the plat

(g) *Property Offered For Dedication.* The accurate outline of all property which is offered for dedication for public use, and of all property that may be reserved by covenant in the deeds for the common use for the common use of the property owners in the subdivisions, with the purpose indicated thereon.

(h) The exact layout including:

(i) Street and alley lines, including their names, bearings, angles of intersection and widths (including widths along the line of any intersecting street):

(ii) The length of all arcs, radii, internal angles, points of curvature, length, and bearings of the tangents.

(iii) All easements for rights-of-way provided for public services or utilities and any limitations of the easements.

(iv) All lot numbers and lines with accurate dimensions in feet and hundredths of feet and with bearings and angles to street and alley lines.

(v) The location of the centerline of creeks or drainage ways with accurate dimensions in feet and hundredths of feet with bearings and angles.

(i) The accurate location, material, and size of all monuments approved by the City Engineer.

(k) Building setback lines for all properties within the platted area.

(k) Special restrictions including, but not limited to, drainage and floodway, fire lanes, and screening.

(l) In case the subdivision is traversed by water course, channel, stream, or creek, the prior or present location of such water course, channel, stream, or creek shall be shown on the plat and the boundary of the regulatory flood and the ten (10) year flood. It will be assumed that there is no significant difference between the two (2) and the regulatory flood will be used, unless the owner shows the ten (10) year flood on the map.

(m) North point, scale, and date.

- (n) Legal description according to the real estate records maintained by the County Clerk's office and area calculations.
- (o) Names of adjacent subdivisions or additions or the name of record owners of adjoining parcels of unplatted land.
- (p) Location by section, town, range, township, county and state.
- (q) Title of document and a vicinity sketch drawn to a scale of a maximum of 2,000 feet to the inch.
- (2) Formal irrevocable offers of dedication to the public of all streets, local government uses, utilities, parks, and easements, in a form approved by the City Attorney. The plat shall be marked with a notation indicating the formal offers of dedication.
- (3) The improvement agreement and security, if required, in a form satisfactory to the City Attorney and in an amount established by the City Council upon recommendation of the City Engineer and shall include a provision that the property owner shall comply with all the terms of the final plat approval as determined by the City Council.
- (4) As-built construction plans, where applicable.
- (5) Covenants and deed restrictions, if any.
- (5) Accurate legal description.
- (6) Certification by a Registered Public Surveyor to the effect that the plat represents a survey made by him and that all the monuments shown thereon actually exist, and that their location, size, and material description are correctly shown, and that the survey correctly shows the location of all visible easements and rights-of-way and all rights-of-way, easements and other matters of record affecting the property being platted.
- (7) The County Clerk's Office and applicable state statutes may require additional information to be submitted or included on the final plat
- (E) *Standards for Approval.* No final plat shall be approved by the Planning Commission or the City Council unless the following standards have been met:
 - (1) The plat substantially conforms to the preliminary plat.
 - (2) Required public improvements have been constructed and are ready to be accepted, and/or an improvement agreement has been accepted by the city providing for the subsequent completion of improvements.
 - (3) The plat conforms to applicable zoning and other regulations.
 - (4) Provision has been made for adequate public facilities under the terms of this ordinance.
 - (5) The plat meets all other requirements of this ordinance.
- (F) *Approval Procedure.* After review of the final plat, the Community Development Director shall place the final plat for consideration on the agenda of a public meeting of the Planning Commission and City Council. One copy of the final subdivision plat shall be returned to the applicant with the date of approval, conditional approval or disapproval noted on the final plat, and, if the final plat is disapproved, the reasons for disapproval accompanying the final plat.

(G) *Certificate of Compliance.* Upon final approval of a final plat required by these regulations, the Planning Commission and the City Council shall issue to the person applying for approval a certificate stating that the final plat has been recommended for approval by the Planning Commission and approved by the City Council. For purposes of this section, final approval shall not occur until all conditions of approval have been met.

(I) *Signing and Recording of Final Plat.*

(1) When an improvement agreement and security are required, the Chairman of the Planning Commission and the Mayor shall endorse approval on the final plat after the agreement and security have been recommended for approval by the Planning Commission and approved by the City Council and all the conditions pertaining to the final plat have been satisfied.

(2) When installation of public improvements is required prior to recordation of the final plat, the Chairman of the Planning Commission and the Mayor shall endorse approval on the final plat after all conditions of approval have been satisfied and all public improvements satisfactorily completed. There shall be written evidence that the required public improvements have been installed in a manner satisfactory to the city as shown by a certificate signed by the City Engineer stating that the necessary dedication of public lands and installation of public improvements has been accomplished.

(3) It shall be the responsibility of the applicant to file the final plat with the County Clerk. Simultaneously with the filing of the final plat, the applicant shall record such other agreements of dedication and legal documents as shall be required to be recorded by the City Attorney. The final plat, bearing all required signatures, shall be recorded after final approval and within ten working days of its receipt. One (1) copy of the recorded final plat shall be returned to the City prior to the issuance of any building permits.

(J) *Effect of Approval.* Approval of a final plat shall certify compliance with the regulations of the City of Durant pertaining to the subdivision of land. An approved and signed final plat may be filed with the County as a record of the subdivision of land and may be used to reference lots and interests in property thereon defined for the purpose of conveyance and development as allowed by these regulations.

(K) *Lapse of Final Plat Approval.* The approval of a final plat shall be effective for a period of six (6) months from the date that the final plat is recommended for approval by the Planning Commission and approved by the City Council, at the end of which time the applicant must have met the requirements for recording of the final plat with the County Clerk. If the applicant has not met the requirements for recording of the final plat with the County Clerk within six (6) months, or an extension is not granted in accordance with these regulations, the final plat approval shall be null and void, and the applicant shall be required to submit a new plat for review subject to the then existing zoning restrictions and subdivision regulations. No Certificate of Occupancy or Change of Occupancy permit will be allowed for the property until the applicant has met the requirements for filing of the final plat with the County Clerk.

§ 156.046 DEVELOPMENT PLAT

(A) This section applies to the platting and development of any single parcel greater than five acres or the subdivision and development of any property into parts, each part being greater than five acres. The term "development" means the new construction or the enlargement of any

exterior dimension of any building, structure, or improvement. The term "improvement" shall include the construction of a utility, road, parking, or drainage system. The term shall also apply to the grading of land or clearance of trees, except as may be permitted for valid agricultural use of the property.

(B) A development plat must be prepared by a registered professional land surveyor as a boundary survey showing:

(1) Each existing or proposed building, structure or improvement or proposed modification of the external configuration of the building, structure or improvement;

(2) Each easement and right-of-way within or abutting the boundary of the surveyed property; and

(3) The dimensions of each street, sidewalk, alley, square, park, or other part of property intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, sidewalk, alley, square, park, or other part; and

(4) Any additional information as required by this ordinance to apply for the approval of a plat

(C) The requirements and standards for design, reservation, construction, completion, maintenance, cost participation and escrow for public improvements applying to the approval of a plat shall also apply to a development plat.

(D) Development plats shall be processed under the same procedures and are subject to the same fees as apply to a plat. The procedures for a minor subdivision may be used when applicable.

(E) A development plat shall be approved if it conforms to the following standards:

(1) The general plans, rules, and ordinances of the city concerning its current and future streets, sidewalks, alleys, parks, playgrounds, and public utility facilities; and

(2) The general plans, rules, and ordinances for the extension of the city or the extension, improvement, or widening of its roads, streets, and public highways within the municipality.

(F) New development may not begin on the property until the development plat is filed with and approved by the city. Approved development plats and other agreements of dedication and legal documents as required shall be recorded with the County Clerk by the applicant.

§ 156.048 REPLATTING OF LAND

(A) *Replat Required.* Unless otherwise expressly provided for herein, a property owner who proposes to replat any portion of an already approved final plat, other than to amend or vacate the plat, must first obtain approval for the replat under the same standards and by the same procedures prescribed for the platting of land by these regulations. The Community Development Director may waive or modify requirements for a sketch plat under circumstances where the previously approved sketch plat is sufficient to achieve the purposes set forth in these regulations. Replats shall include all of the same information as previously described platting procedures.

(B) *Replatting Without Vacating Preceding Plat.* A replat of a final plat or portion of a final plat may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:

- (1) Is signed and acknowledged by only the owners of the property being replatted;
- (2) Is approved, after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard, by the Planning Commission and City Council; and
- (3) Does not attempt to amend or remove any covenants or restrictions previously incorporated in the final plat.

(C) Additional Requirements for Certain Replats.

(1) A notice of the public hearing shall be published in an official paper or a newspaper of general circulation in the city at least 15 days prior to the date of the public hearing. Notice shall be mailed to all owners of property located within 300 feet of the subject property as provided by a certified abstractor's list at the applicant's cost at least 20 days prior to the hearing;

(2) If the proposed replat requires a variance, and the owners of 20 percent or more of the area of lots to whom notice is required to be given under Subsection (b) file with the Planning Commission and City Council a written protest of the replatting before or at the hearing, approval of the replat will require the affirmative vote of four of the City Council members. In computing percentages of ownership, each lot is considered equal to all other lots regardless of size or number of owners, and the owners of each lot are entitled to cast only one vote per lot. The area of streets and alleys shall be included in computing the percentage of land area.

(3) Any replat which adds or deletes lots must include the original lot boundaries.

§ 156.999 PENALTY.

(A) Except as provided in these regulations and lots of record established prior to the effective date of this ordinance, no building permit shall be issued for any new structure or change, improvement or alteration of any existing structure on any tract of land which does not comply with all of the provisions of this chapter.

(B) Except as provided in these regulations and lots of record established prior to the effective date of this ordinance, the city shall withhold all public improvements and utilities, including the maintenance of streets and the provision of sewage facilities and water service, from all tracts, lots or additions, the platting of which has not been officially approved by the City Council and for which a certificate of compliance has not been issued pursuant to these regulations.

(B) A violation of this chapter shall be deemed an offense and shall be punishable as provided in § 10.99 and in accordance with applicable state law. Any person, partnership or corporation violating any of the provisions of this chapter upon conviction thereof shall be punished as provided in § 10.99.

(C) The city may issue citations to suspected violators of this chapter, which citations shall state the violation that is alleged, the time of the observation of the offense, any correction of the violation which is sought, the time allowable for the accomplishment of the correction and the further action which will be taken to seek remedy should correction not be accomplished. The issuance of such citations does not preclude the filing of charges in district court, nor shall the

issuance of such citations be a mandatory process precedent to the filing of charges in district court.

DESIGN STANDARDS NEIGHBORHOOD FEATURES

§ 156.060 COMMUNITY GENERAL.

(A) The quality of the design of the community, both in the urban area and on the fringes of the urban development, is dependent on the quality of design of the individual subdivisions in the area. Good community design can be accomplished by following a few principles. These better approaches to the layout of new areas. The violation of some of the basic rules concerning design of streets, ditches and other features can lead to such unpleasant situations as: streets that deteriorate and are expensive to maintain, street intersections that are dangerous, drainage ditches that clog up and cause flooding, building lots that are difficult or expensive to construct upon or difficulties with erosion during the time of development and even throughout the life of the homes.

(B) The figures which follow show some of the better ways of creating a subdivision. The use of good design and holding to these methods of development can provide for the least expense in the building of a subdivision. This is especially true considering the costs that come to the purchasers of property that has been improperly developed and the fact that there is no cheaper time to solve development problems than before houses are built and lots are sold.

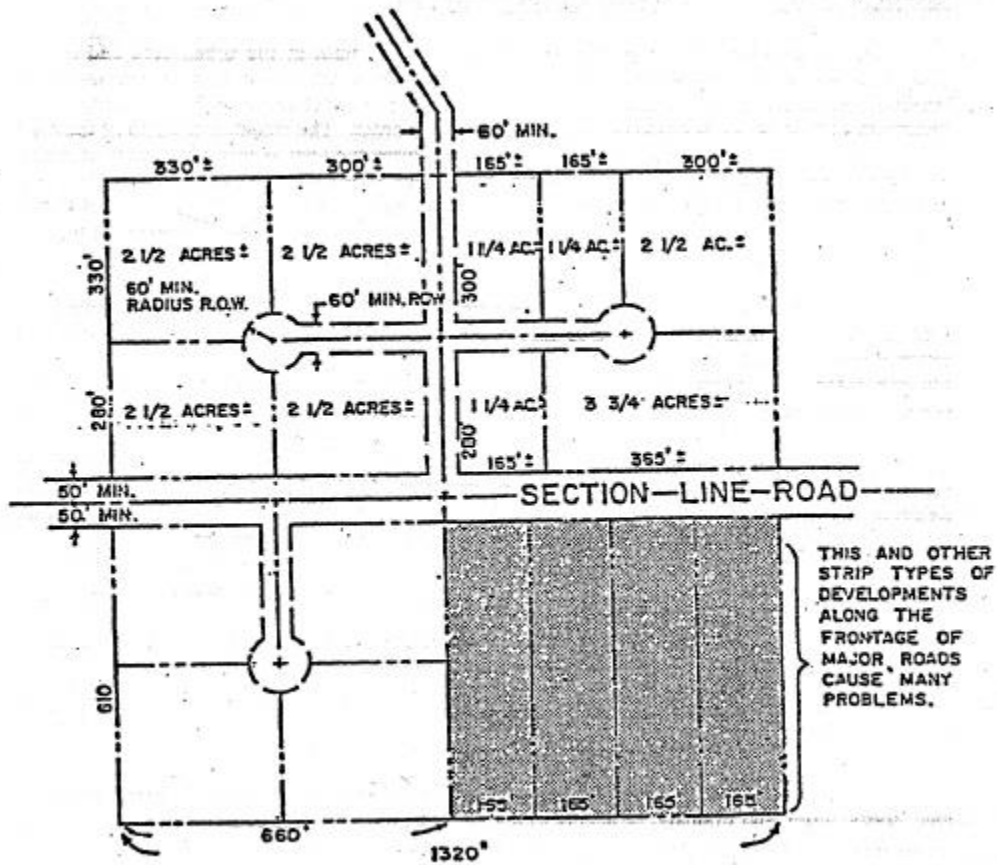
(C) Figure 1 shows some of the patterns of streets and lots that might be possible in the development of areas in large, rural estates type lots. In the shaded area is shown an all too frequent approach to the creating of lots in rural settings. There are a number of problems from the arrangement of lots in a road frontage strip as in the shaded area, such as:

- (1) Long narrow parcels which are of reduced usefulness to the buyer;
- (2) Increased numbers of driveways intersecting the section line road (this is a major problem to the county as it tries to keep ditches and culverts clean and working);
- (3) The narrower lots result in closer spacing of houses with less privacy and greater possibility of failure in the operation of individual sewer systems; and
- (4) (a) The frontage of each house upon a section line road means greater exposure to the dust, traffic, litter and drainage problems which occur along the major roads (also there is a loss of privacy and the danger that the road may have to be widened at some time in the future taking part of the front lawn).
- (b) On the other hand, some of the other styles of lot arrangements shown can provide lots of much more usable shape, more privacy, safer traffic, more workable utility layout, better spacing of buildings and the like.

(D) The majority of land developed in the manner shown in Figure 1 is expected to be in the jurisdiction of the regional planning commission outside the incorporated area of the city.

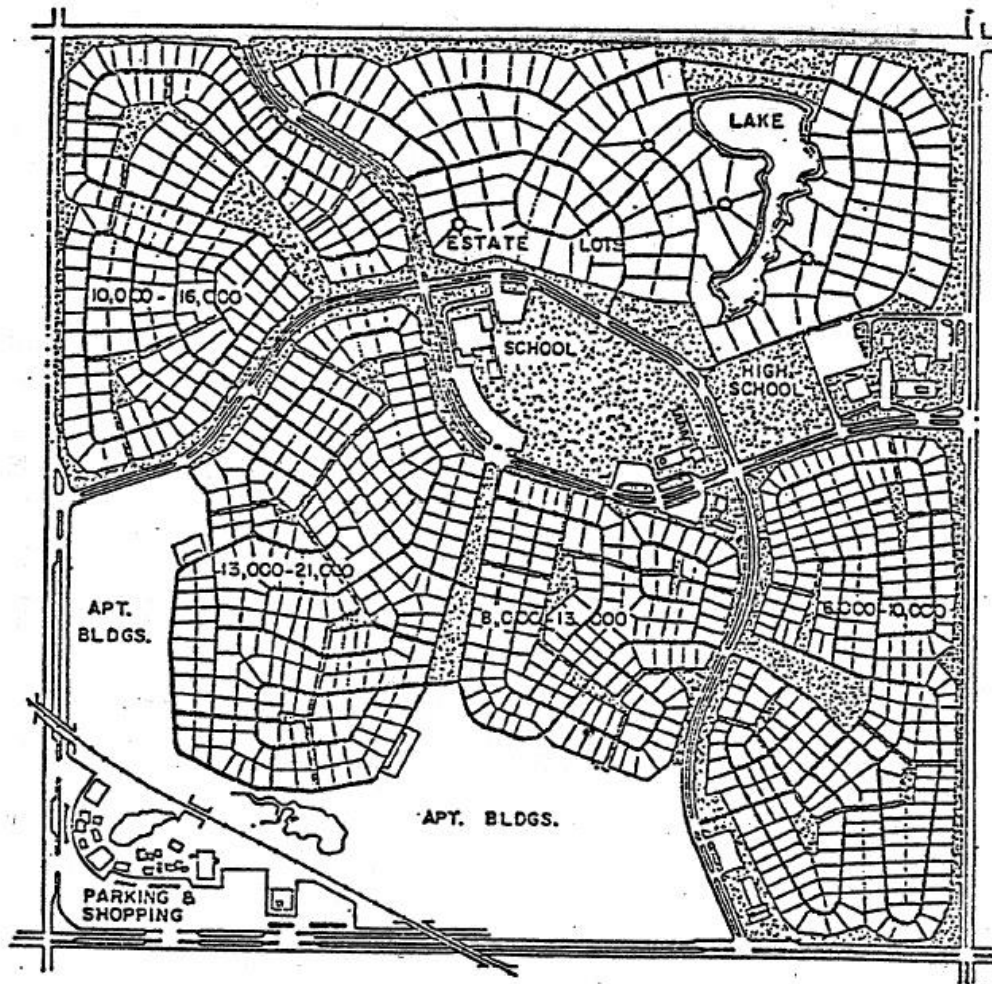
(E) These are not all of the possibilities for laying out a large lot development. In fact, a development usually turns out better if it is worked out to fit the shape of the particular piece of land considering the streams, hills and the like. However, from this figure it can be seen that almost any other arrangement is better than a strip of long, narrow lots along the frontage of a major road.

FIGURE 1
RURAL PLATTING PATTERNS



- Notes:
1. Property dimensions in many cases are shown as less the right-of-way dimension. This reflects the improvement of the street or road and dedication of it to the public.
 2. Covenants should provide for access to lots to be only from side roads.

FIGURE 2
AN EXAMPLE OF GOOD SUBDIVISION DESIGN



- Notes:
1. Minor streets should be designed to provide access in a manner to discourage use by through traffic.
 2. Collector streets should be designed to provide a direct route from minor streets to major streets.
 3. Ingress and egress to residential properties should be provided only on minor streets.
 4. Pedestrian ways should be separated from roadways.
 5. The urban area shall be designed as a group of integrated residential neighborhoods with appropriate industrial, commercial and public facilities.
 6. Lots, blocks and street systems should be designed for the most advantageous use of topography and natural physical features.
- ('93 Code, § 12-431) (Ord. 1041, passed 4-12-83)

§ 156.061 SIDEWALKS.

- (A) For purposes of this section, the terms “arterial streets”, “secondary thoroughfares”, “commercial streets”, “collector streets”, residential streets” shall be defined as indicated in the streets master plan.
- (B) Sidewalks no less than four feet in width shall be constructed along properties abutting residential streets, and no less than five feet in width along properties abutting collector streets, commercial streets, secondary thoroughfares, and arterial streets.
- (C) Sidewalks shall be constructed within dedicated streets rights-of-way along streets improved to city standards. On unimproved streets, covenants deferring sidewalk construction until street is improved according to city standards shall be required.
- (D) Within residential developments, required sidewalks shall be located adjacent to or within one foot of the property line. Within non-residential developments, the placement of required sidewalks shall be at the discretion of the City Council.
- (E) Sidewalks shall be laid out, graded and otherwise improved as specified in standards and specifications adopted by the City Council.
- (F) All sidewalks shall be incorporated into the street improvements construction plans required to be submitted by the developer for plat approval.
- (G) Sidewalks and walkways shall be completed at the time the streets are installed.
- (H) In order to facilitate access from streets to schools, parks, playgrounds, shopping centers, transportation facilities or other community facilities, the City Council may require pedestrian access ways or crosswalks not less than five feet wide to be located within perpetual unobstructed easements at least 20 feet in width. The easements shall be indicated on the plat.
- (I) No dwelling unit or business establishment that is required to install sidewalks shall be occupied until the required sidewalk construction is completed, inspected and accepted by the city.

§ 156.062 STREET LIGHTS.

- (A) Required new street lighting shall be installed by a franchised vendor, electric utility or the developer. The street lighting should be shown on preliminary and final plats. The primary objective for street lighting is for security and intersection identification.
- (B) Street lighting shall be chronologically integrated with a development and shall be installed prior to acceptance of public infrastructure by the City of Durant.
- (C) Should an easement be required to access power facilities, the easement should not be less than five (5) feet
- (D) The location of the street light shall be as follows and shall serve as the minimum lighting schedule:
 - a. One street light at each street or alley intersection
 - b. One street light at each end of each cul-de-sac or other permanently dead ended street
 - c. One street light at the approximate midpoint of curvilinear streets that prohibit visual contact between intersections

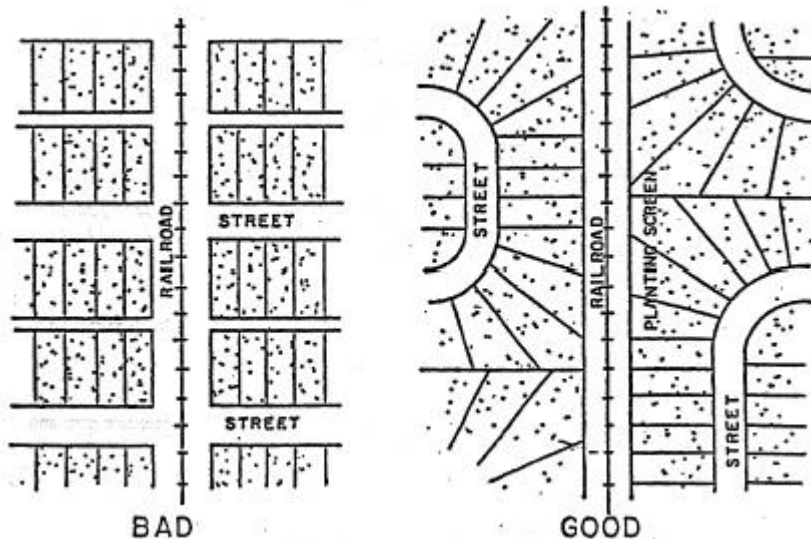
- d. One street light located midway between intersections that are spaced over 600' or more apart
- (E) The developer may choose to install lighting in addition to the minimum schedule set forth herein. If lighting is installed in addition to that maintained by the franchised vendor or electric utility, the developer shall ensure that a legal entity such as a homeowners association or equivalent is established and that the entity is assigned the obligation of maintaining the additional lighting in perpetuity.

§ 156.063 STREETS.

The arrangement, character, extent, width, grade and location of all streets shall conform to all of the elements of the general plan and shall be designed in accordance with the following provisions:

- (A) Major streets shall be planned to conform with the major streets shown in the comprehensive plan;
- (B) Whenever a subdivision abuts or contains an existing or proposed major street, the City Council may require service streets, reverse frontage with screen planting contained in a no access reservation along the rear property line, deep lots or such other treatment as may be necessary for adequate protection of residential properties and to afford separation from traffic;
- (C) Where a subdivision borders on or contains a railroad right-of-way of limited access highway right-of-way, the City Council may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land. The following sketch illustrates both suitable and unsuitable ways of laying out developments bordering major right-of-way.

STREET LAYOUT ADJOINING LIMITED ACCESS RIGHT-OF-WAY FACILITIES



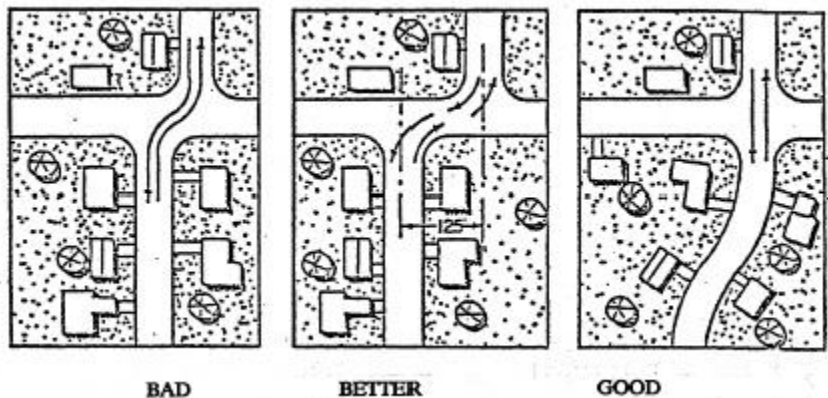
- (D) Reserve strips controlling access to streets shall be prohibited except where their control is placed in the city under conditions approved by the City Council and acceptable to the subdivider;

(E) Where the plat to be submitted includes the only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the unsubdivided portion may be required by the City Council;

(F) Where a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be arranged to permit the logical location and opening of future streets and appropriate resubdivision with provision for adequate utility easements; and

(G) Street jogs with centerline offsets of less than 125 feet shall be avoided.

STREET JOGS LESS THAN 125 FEET SHALL BE AVOIDED



(H) Street right-of-way widths shall be in accordance with the Comprehensive Plan and, where not designated therein, shall be not less than the following:

Street Type	R.O.W. Width
Arterial streets	85 feet
Secondary thoroughfares	80 feet
Commercial streets	80 feet
Collector streets	60 feet
Residential streets	60 feet

(I) The paved width of all streets shall be adequate to serve the existing and future estimated traffic load for the facility. Lane width for all streets shall be as follows:

(1) All major streets shall have lanes for traffic movement of not less than 11 feet or more than 12 feet in width, and lanes for parallel parking or emergency stopping of not less than 10 feet in width; and

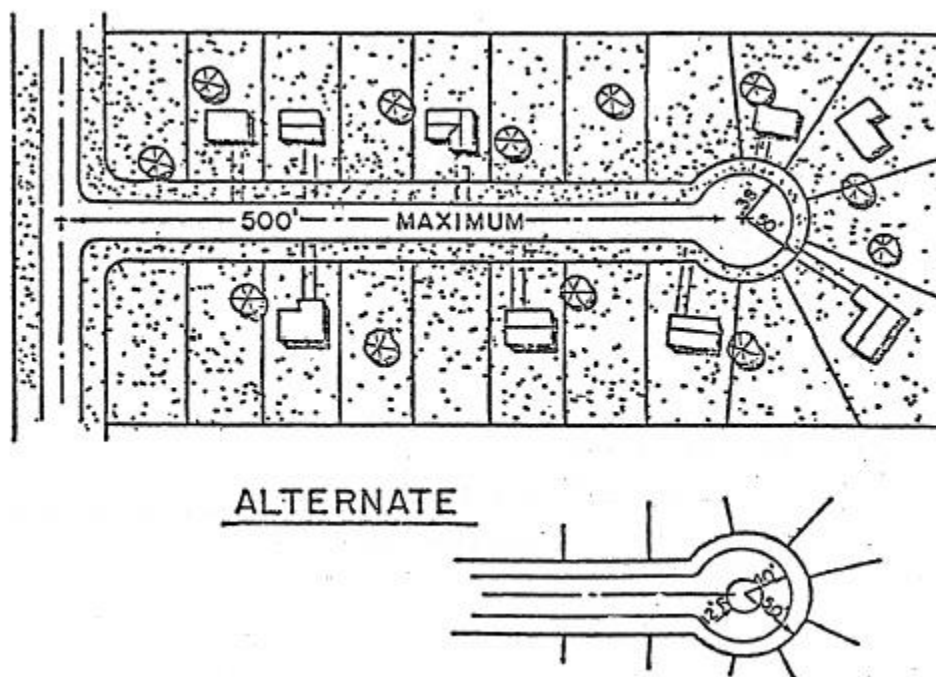
(2) All minor streets shall have lanes for traffic movement of not less than 9 feet or more than 12 feet in width and lanes for parallel parking of not less than 8 feet in width. Streets should be developed in accordance with the general standards given in the code of the city.

(J) (1) A cul-de-sac should not exceed 500 feet in length, measured from the entrance to the center of the turnaround unless a dedicated secondary emergency sealed-surface accessible ingress and egress is provided to the primary roadway to a point within 500 feet of the center of

the turnaround radius. The ingress and egress shall be, at a minimum, in the form of a 20- foot wide dedicated public easement that is graded, compacted, sealed-surface, and otherwise constructed to the city's specifications.

(2) If the cul-de-sac is longer than 150 feet then a turnaround radius of not less than 65 feet at the property line and 50 feet at the curb line shall be provided. If there is provided in the center of the turnaround an unpaved island, it shall be improved with landscaping that will not interfere with sight distance. The unpaved island shall have a radius of not less than 6 feet and the radius from the curb line of the island to the turnaround outside curb shall be 30 feet with the easement extending an additional 15 feet beyond the outer curb line.

CUL-DE-SAC

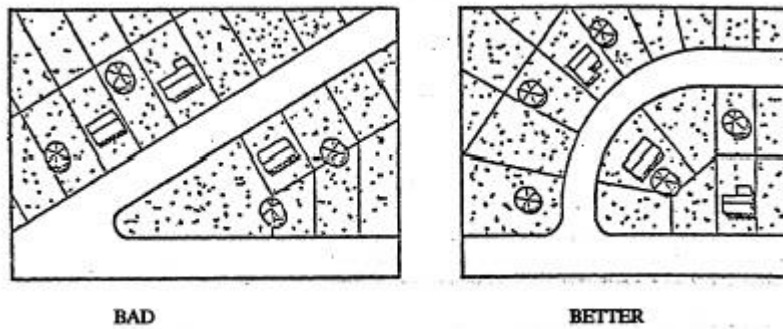


(K) Half streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, provided that the City Council finds it will be practical to obtain the dedication of the other half of the street easement when the adjoining property is subdivided. Wherever a half street is adjacent to the tract to be subdivided, the other half of the street shall be platted within the tract being subdivided;

(L) The arrangement of streets shall be such as to cause no hardship in the subdividing of adjacent properties. The City Council may require the dedication of street rights-of-way to facilitate the development of adjoining properties;

(M) No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the City Council;

(O) Minor streets shall be laid out so that their use by arterial traffic will be discouraged;



- (P) Streets shall intersect at approximately right angles;
- (Q) Street grades shall be as follows:
- (1) The minimum grade of all streets shall be 0.4%;
 - (2) Except where unusual topo-graphic conditions justify it, the maximum grade of all streets shall not be greater than the following:

Street Type	Grade
Major	5%
Collector	7%
Residential streets	10%

- (R) Street corners shall be as follows:
- (1) Street corners on local residential streets shall have a minimum radius of 20 feet at curb line or its equivalent;
 - (2) Street corners on collector streets shall have a minimum radius of 25 feet at the curb line or its equivalent;
 - (3) Street intersections involving major thoroughfares shall have a minimum street corner radius of 30 feet at the curb line or its equivalent;
 - (4) In order to provide for traffic safety, there shall be on each corner of each intersection of two streets a clear sight triangle. A clear sight triangle means a triangle formed by the curb lines of two intersecting rights of way and a third line connecting a full view zone of 25 feet from intersecting corners of the street. On streets with no curb and gutter, the same triangle will be used and measurements made twelve (12) feet from the center of the street if the street is two lanes in width and six (6) additional feet for each lane width as existing at the intersecting corner. The plat or the covenants of the addition shall clearly prohibit any construction or planting of landscaping materials in this area.
- ('93 Code, §12-441) (Ord. 1041, passed 4- 12-83; Am. Ord. 1859, passed 7-10-18)

§ 156.064 ALLEYS.

Alleys shall be as follows:

- (A) Alleys shall be provided in commercial and industrial districts, except that the City Council may waive this requirement where other definite and assured provision is made for

service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed;

(B) Alleys serving commercial and industrial areas shall be not less than 30 feet in width;

(C) Alleys are not required for residential areas, but when provided shall be not less than 20 feet in width;

(D) Alley intersections and sharp changes in alignment should be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement;

(E) Dead-end alleys should be avoided, but if necessary, shall be provided with adequate turn around facilities at the dead end, as determined by the City Council; and

(F) Alleys shall be finished with a sealed surface and otherwise constructed to the city's specifications.

('93 Code, §12-442) (Ord. 1041, passed 4-12- 83; Am. Ord. 1859, passed 7-10-18)

§ 156.065 EASEMENTS.

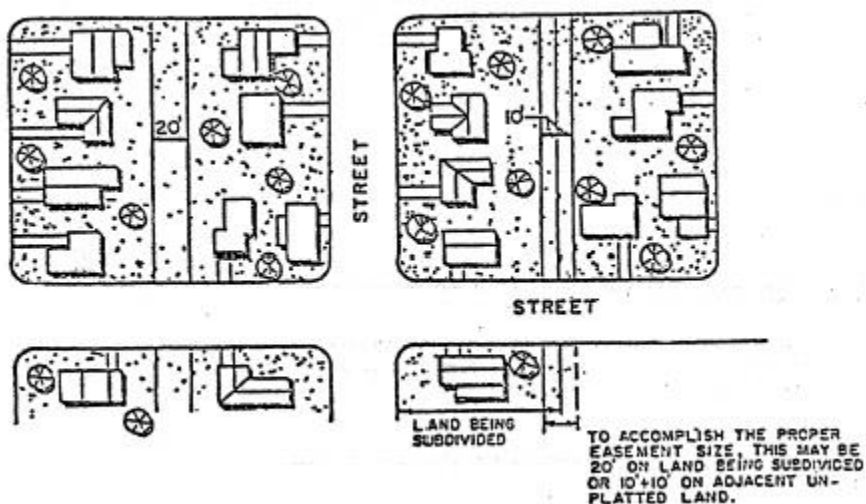
(A) Where alleys are not provided, easements not less than ten feet wide shall be provided along each rear lot line. A five-foot easement alongside lot lines of individual plots may be required where necessary for use by public and private utilities. The City Council may require air rights and easements of greater width for the extension of main storm and sanitary sewers and other utilities where it is deemed necessary.

(B) When a subdivision is adjacent to unplatted land, the easements for public and private utilities shall be:

(1) Provided as 20 feet wide on the land being subdivided; or

(2) Provided as ten feet wide on the land being subdivided with an easement ten feet wide being presented adjacent and simultaneous to the presentation of the final plat.

EASEMENTS



('93 Code, § 12-443) (Ord. 1041, passed 4-12-83)

§ 156.066 BLOCKS.

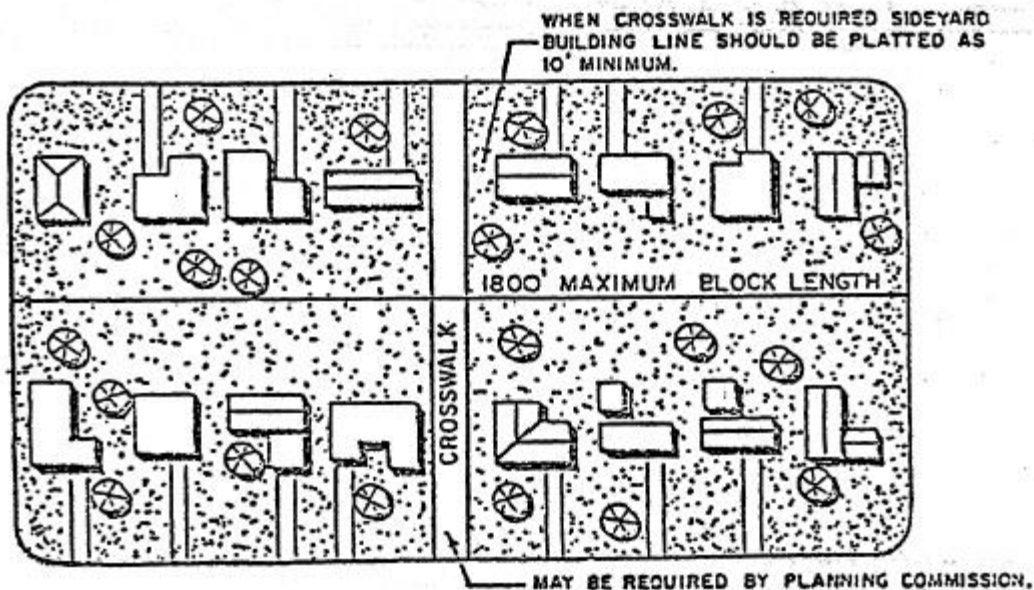
(A) The lengths, widths and shapes of blocks shall be determined with due regard for the following:

- (1) Provision of adequate building sites suitable to the special needs of the type of use contemplated;
- (2) Zoning requirements as to lot sizes and dimensions;
- (3) Needs for convenient access, circulation, control and safety of street traffic; and
- (4) Limitations and opportunities of topography.

(B) Blocks for residential use shall not be longer than 1,800 feet, measured along the center line of the block. When a block exceeds 600 feet in length, the City Council may require a dedicated easement not less than 5 feet in width and a paved crosswalk not less than 5 feet in width to provide pedestrian access across the block.

(C) Blocks used for residential purposes should be of sufficient width to allow for two tiers of lots of appropriate depth, but should be not less than 200 feet in width. Blocks intended for business and industrial use should be of a width suitable for the intended use, with due allowance for off-street parking and loading facilities.

BLOCKS



(`93 Code, § 12-444) (Ord. 1041, passed 4-12-83)

§ 156.067 LOTS.

(A) Residential lots shall be not less than 60 feet in width at the front building line and shall abut a street a distance of not less than 35 feet.

(B) The area of residential lots shall be not less than 6,000 square feet.

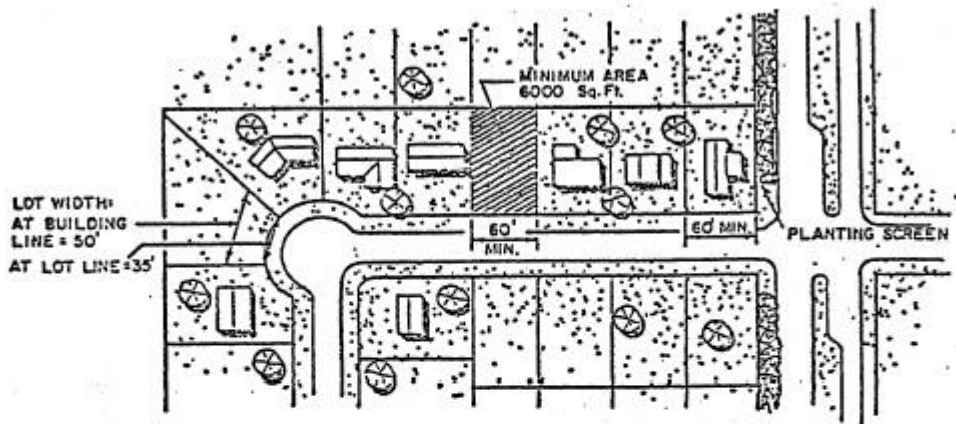
(C) In residential subdivisions where septic tank or individual sewage disposal devices are to be installed, the area of the lot shall be not less than 22,500 square feet.

(D) Lots are not required for subdivisions for commercial and industrial use, but when provided should be of appropriate size and arrangement to provide for adequate off-street parking and loading facilities based on the intended use.

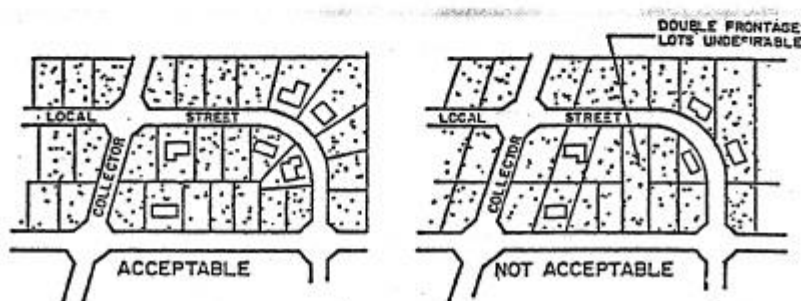
(E) Side lot lines should be approximately at right angles or radial to street lines.

(F) Double frontage and reverse frontage lots should be avoided except where they are needed to provide for the separation of development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least 20 feet shall be provided along the portion of the lots abutting such a traffic artery or other use where screening is required. There shall be no right-of-access across a planting screen easement.

LOTS



LOT PATTERN

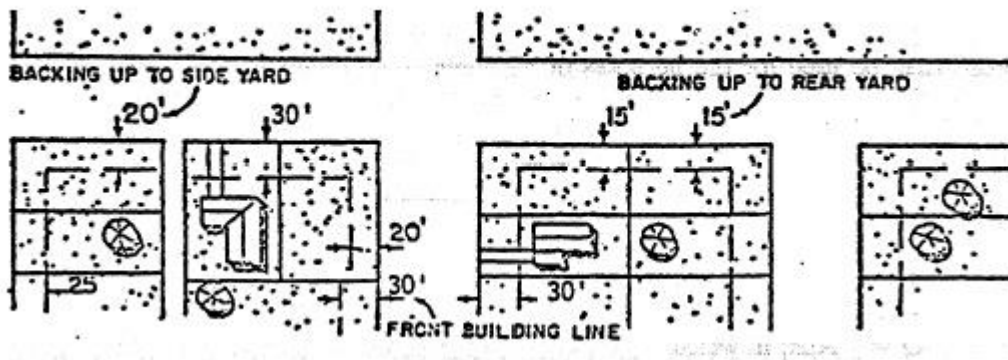


('93 Code, § 12-445) (Ord. 1041, passed 4-12-83)

§ 156.068 BUILDING LINES.

Building lines shall be provided for all residential subdivisions as follows:

- (A) A front building line shall be located 30 feet back of the street right-of-way line;
- (B) A side yard building line on the side of a corner lot abutting the street shall be located not less than 15 feet back of the street right-of-way when such lot is back to back with another corner lot and not less than 20 feet back of the street right-of-way line in every other case;
- (C) A side yard building line shall be provided not less than ten feet back of a crosswalk right-of-way line on the side of a lot abutting a midblock crosswalk; and
- (D) Restrictions requiring buildings to be located within the building lines shown on the plat shall be set forth on the plat or on a separate recorded instrument.



(`93 Code, § 12-446) (Ord. 1041, passed 4-12-83)

§ 156.069 DRAINAGE.

(A) These regulations and standards are designed, intended and should be administered in a manner to protect the various drainage areas in the city from flooding; to provide clean and sanitary channels for runoff; to prevent pollution of watersheds, streams and natural drainage channels; to prevent the encroachment of buildings and improvements on natural drainage channels; to equitably apportion the cost of improvements; to protect natural scenic areas; and to provide for the conservation of the natural resources of the area and to fulfill the requirements of the flood insurance administration. The regulations and standards herein contained shall apply to the incorporated area of the city. All subdivisions of land and all improvements of any character which affect drainage in any portion of the city shall be subject to the provisions of these regulations and be subject to approval by the City Public Works Director or his or her designee. Development within the limits of the 100-year flood shall be designed in such a manner that all finished floor elevations shall be at least one foot above the 100-year floor level; provided, however, that all earth fills within the 100-year flood level shall be approved by the City Engineer; and provided, further, that development within the 100-year flood shall not in any case plan for structures in the floodway as shown on the official flood maps.

- (B) (1) The two classes of drainage channels shall be:
 - (a) Primary drainage channels; and
 - (b) Secondary drainage channels.

(2) In general, it is intended that channels which are designated as primary channels serve a drainage area of 1,000 acres or more. It is intended by these regulations that the improvement of primary drainage channels shall be primarily the responsibility of the community as a whole, since the whole community is materially benefitted. However, the developer of the land containing a primary channel is expected to layout, design and otherwise plan and carry out his or her improvements in a manner that will not interfere with or restrict the natural flow of water or materially change the condition of runoff. Increased runoff and changes in primary channels which are created by improvements of an individual subdivision shall be the responsibility of the developer of the subdivision and shall be made in accordance with the provisions of these regulations. It is intended by these regulations that the improvement of a secondary channel shall be the responsibility of the developer of the area served by the channel, since the primary benefit is to the area served by the secondary channel and not to the community as a whole.

(C) The maximum condition of rainfall for a 100-year interval plus one-foot of freeboard shall be used for the purposes of determining all runoff for the sizing of drainage channels and structures for the city, unless otherwise specified herein. Values used in formulas for runoff and size of drainage structures shall reflect the degree of urbanization set forth in the projected land use pattern contained in the comprehensive plan for the city. The following formulas and values shall be used for calculating all stream flow and runoff for the policies and regulations established herein:

(1) Runoff from all drainage areas shall be determined by Rational Formula:

$Q = AIR$, in which

Q = Cubic feet per second

A = Area to be drained in acres, determined by field surveys for areas less than 1,000 acres and by latest government quadrangle maps for larger areas

I = Percent of imperviousness of the area may vary between 40% and 95%

R = Rate of rainfall over entire drainage area in inches per hour, based on time of concentration and latest government records for area (using 100-year storm plus one foot for primary and secondary channels).

(2) The size of closed storm sewers, open channels, culverts and bridges shall be determined using the Manning Formula:

$Q = \frac{1.486A r^{2/3} s^{1/2}}{n}$

Q = Discharge in cubic feet per second

A = Cross-sectional area of water in conduit in square feet

r = Hydraulic radius of water in conduit

s = Mean slope of hydraulic gradient, in feet of vertical rise per foot of horizontal distance

n = Roughness coefficient, based on condition and type of material of conduit lining, but not less than 0.013.

(D) All primary drainage channels which are located within, or immediately adjacent to an improvement or a subdivision shall be protected and improved by the developer as follows:

(1) All land having an elevation below the 50-year maximum flood elevation and not protected by levies or dikes shall be dedicated to the city for the purpose of providing drainage and for public park and utility easement use. The developer may retain unto himself or herself an

easement for landscaping, for installation and maintenance of ornamental elements and for fencing. Access for proper maintenance to the area of the 100-year flood shall not be obstructed;

(2) The existing channel laying within or immediately adjacent to the subdivision shall be cleaned to provide for the free flow of water, and the channel shall be straightened, widened and improved to the extent required to prevent overflow beyond the limits of the dedicated drainage area;

(3) Site improvement shall provide for the grading of all building sites and streets to an elevation where all lots, building areas and streets will not be subject to overflow and in a manner that will provide for the rapid runoff of all rainfall;

(4) Whenever channel improvement is carried out, sodding, back-sloping, cribbing and other bank protection shall be designed and constructed to control erosion for all the anticipated conditions of flow for the segment of channel involved. Planting of appropriate species for landscape beauty is encouraged;

(5) A drainage channel shall not be located in a street easement unless it is placed in an enclosed storm sewer; and

(6) Culverts, bridges and other drainage structures shall be constructed in accordance with the specifications of the city at all locations where drainage channels intersect with continuous streets or alleys.

(E) Surface drainage and all secondary channels within or adjacent to the addition shall meet the following conditions:

(1) When a subdivision is traversed by a secondary drainage channel, watercourse or stream which drains 160 acres or more of land, there shall be provided a right-of-way for drainage and public parks and public utility purposes adequate to contain all of the floodway of a 100-year maximum flood. The right-of-way shall include all of the land within the subdivision that is within the floodway as established by the official flood maps;

(2) Secondary drainage channels which have a primary function of collecting surface water from adjacent properties or intercepting and diverting side hill drainage shall be provided with an improved open channel;

(3) Secondary drainage channels which have a primary function of transporting water through the block or collecting water from cross channels and which have a drainage area of less than 40 acres shall be improved with closed storm sewers or an improved open channel when approved by the City Engineer of the city. Where the secondary drainage channel has a drainage area of greater than 40 acres, an improved open channel or closed storm sewer shall be provided;

(4) A drainage channel shall not be located in a street easement unless it is placed in a closed storm sewer;

(5) Site grading shall be carried out in such a manner that surface water from each lot will flow directly to a storm sewer, improved channel or paved street without crossing more than two adjacent lots;

(6) Surface water collected on streets shall be diverted to storm drains at satisfactory intervals to prevent overflow of six-inch high curbs during a ten- year frequency rain for the area and grades involved.

However, the minimum finished grade at the building line shall be such that it will not be affected by storms equivalent to a 100-year frequency plus one foot of freeboard;

(7) Drainage area allowed for surface flow on streets at a point of diversion shall not exceed 20 acres, regardless of flow;

(8) Drainage easements of satisfactory width to provide working room for construction and maintenance shall be provided for all storm sewers;

(9) Channel improvements shall be as follows:

(a) Open channels shall be improved by providing a paved section that will carry the runoff from a rain of 5-year frequency and a sodded section to carry the runoff from a rain of 10-year frequency. However, the minimum finished grade at the building line shall be such that it will not be affected by storms equivalent to a 100-year frequency plus one foot of freeboard. The design of the channel improvements shall be in accordance with the standards set forth on the three following figures. Where turbulence is sufficiently limited, where natural beauty is thereby preserved and where erosion will not result, the Planning and Zoning Commission may approve omitting the paved section; and

(b) Whenever an open improved channel is required or authorized for a secondary drainage channel under the provisions of these regulations and the channel crosses large residential lots (area of not less than 10,000 square feet) and the channel improvement is to be designed as an integral part of the landscaping of the area that will be maintained by the property owners of the area, then the City Council may modify the requirements of the first part of this provision to permit a channel improvement design in accordance with the third of the design alternatives shown.

(F) Requirements relating to improvements:

(1) Easements. All storm drainage features shall be placed in proper easements as set out in these regulations;

(2) Bridges and culverts. Bridges and culverts shall be as follows:

(a) All flow of water across continuous streets or alleys shall be through culverts or bridges;

(b) Bridges and culverts on primary drainage channels shall be sized to accommodate a 100-year frequency rain, plus one foot of freeboard, based on the drainage area involved;

(c) Bridges and culverts on secondary drainage channels which drain 160 acres or more of land shall be sized to accommodate a 100-year frequency rain, plus one foot of freeboard, based on the drainage area involved. However, a 50-year frequency may be used when overflow provisions are incorporated to accommodate a 100-year frequency rain;

(d) Bridges and culverts on secondary drainage channels which drain less than 160 acres of land shall be sized to accommodate a 10-year frequency rain, based on the drainage area involved; provided, that all building elevations shall have one foot of freeboard above overflows of the 100-year storm;

(e) Design of bridges and culverts shall be submitted to and have the approval of the City Engineer;

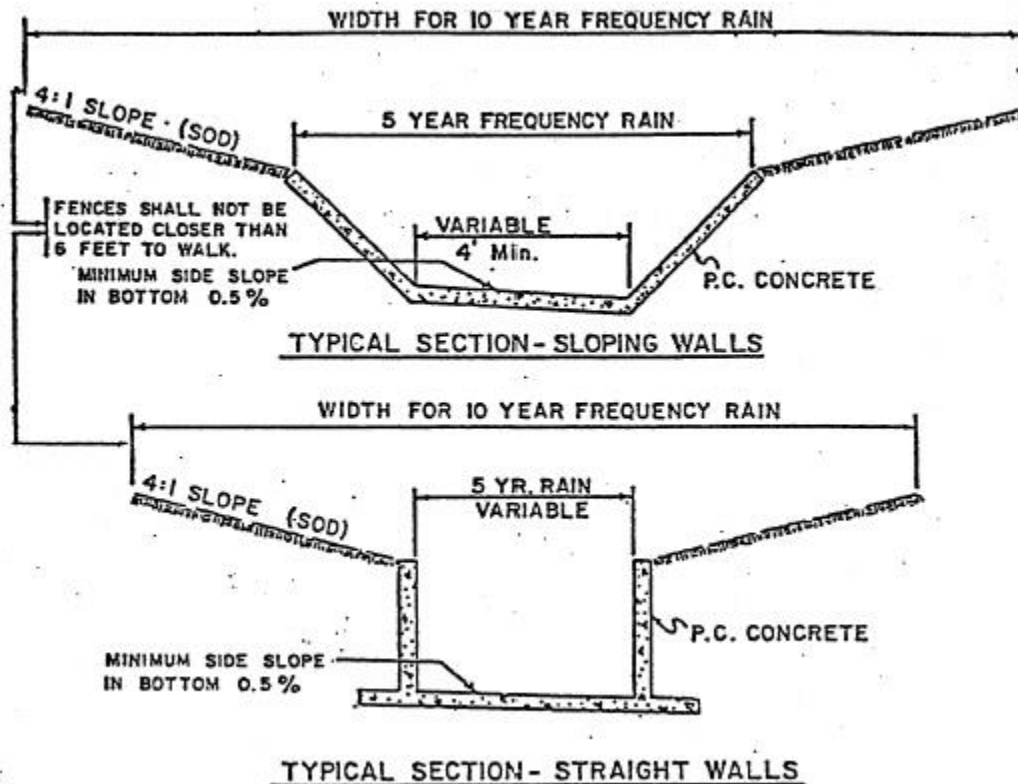
(3) Closed storm sewers. Closed storm sewers shall be constructed of pre-cast or pre-fabricated pipe or built in place of closed box design to serve a ten-year frequency rain for the drainage area involved; and

(4) Open paved storm drainage. Open paved storm drainage channels shall be approved in accordance with specifications approved by the City Engineer. Side slopes above the paved section shall be shaped and sodded on a slope of four horizontal to one vertical or flatter. Fences capable of limiting water flow or which would prevent proper maintenance and care of the drainage facility shall not be erected below the shoulder of the sodded section. Retaining walls or

other decorative elements which do not prevent necessary access for maintenance may be erected.

(G) The City Council reserves the right to require improvements, provisions of drainage easements and for provisions of agreements beyond the boundaries of the addition to facilitate flow of water through the addition and to provide continuous improvement of the overall storm sewer system.

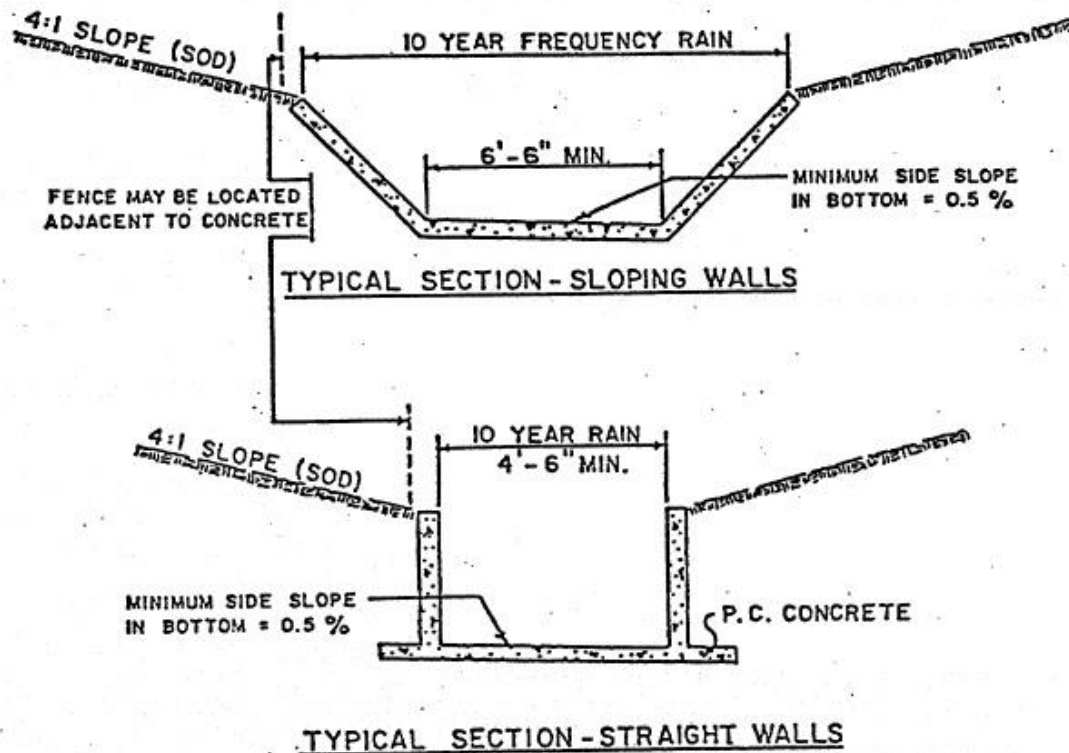
IMPROVED DRAINAGE CHANNEL



General Specifications

1. Use of sloping walls or straight walls is optional.
2. Construction of concrete lining shall conform to city specifications.
3. Straight walls shall be designed to withstand earth pressures.
4. Sloping walls shall have slope ratio of 1 horizontal to 1 vertical, or flatter.
5. Sodded slope ratio shall be 4 horizontal to 1 vertical, or flatter.
6. Concrete liners shall be structurally designed for calculated hydraulic load to be minimum 4 inches - maximum 6 inches of 3,500 lb. concrete.

IMPROVED DRAINAGE CHANNEL



General Specifications

1. Use of sloping walls or straight walls is optional.
2. Construction of concrete lining shall conform to city specifications.
3. Straight walls shall be designed to withstand earth pressures.
4. Sloping walls shall have slope ratio of 1 horizontal to 1 vertical, or flatter.
5. Sodded slope ratio shall be 4 horizontal to 1 vertical, or flatter.
6. Concrete liners shall be structurally designed for calculated hydraulic load to be minimum 4 inches - maximum 6 inches of 3,500 lb. concrete.

IMPROVED DRAINAGE CHANNEL

General Specifications

1. Slopes back of curb shall have a ratio of 4 horizontal to 1 vertical, or flatter.
 2. Slopes shall be sodded uniformly to permit mowing.
 3. Concrete construction shall conform to city specifications.
 4. This section shall be constructed only in those locations outlined in general policies and requirements.
 5. Concrete liners shall be structurally designed for calculated hydraulic load to be minimum 4 inches - maximum 6 inches of 3,500 lb. concrete.
- (`93 Code, § 12-447) (Ord. 1041, passed 4-12-83)

Subdivision/Plat Application

Sketch Plat: ☐
 Preliminary Plat: ☒
 Final Plat: ☐
 Re-Plat: ☐

Petition # _____
 Fee \$ _____
 Expedited Fee \$ _____

APPLICANT INFORMATION

Name: Hengrui Qu	Email: Hengruiqu@gmail.com	Phone #1 9726556876
Mailing Address: 412 Woodland Cir.		Phone #2
City: Durant	State: OK	Zip: 74701
Applicant's Interest in Property:		

SURVEYOR INFORMATION

Name: B.J. McIninch	Email: bm.surveying@yahoo.com	Phone #1 580-279-9544
Mailing Address: 2836 W. TWIN OAKS RD		Phone #2
City: CANEY	State: OK	Zip: 74533
Surveyor Oklahoma License Number: 1819		

ENGINEER INFORMATION

Name: H. Wayne Barker	Email: wbarker@barkerengineers.com	Phone #1 5809319045
Mailing Address: 3902 University Boulevard		Phone #2
City: Durant	State: OK	Zip: 74701
Engineer Oklahoma License Number:		

LAND INFORMATION

Legal Description: The S/2 SW/4 OF SECTION 1, TOWNSHIP 7 SOUTH, RANGE 8 EAST OF THE INDIAN BASE AND MERIDIAN, BRYAN COUNTY STATE OF OKLAHOMA	Parcel Number: 00001207S08E200100
Proposed Subdivision Name: Durant Fortune Villas	Current Zone: R3
Proposed Use: Residential Triplex	Proposed Zone:
Current Property Owner's Name: TEXOMA PARK VICTORY INVESTMENT LLC	

The applicant has prepared this application and supporting documentation and certifies that the facts stated herein and exhibits attached hereto are true and correct.

Applicant: Hengrui Qu Date: 1/3/2022

Office Use Only

Date Filed	Date Payment Received	Notification Mailed	Comments
Initial	Initial	Date Initial	
Proof of Publication Received		Property Posting Verified	Comprehensive Plan Recommendations
Date Initial	Date Initial		

Staff Recommendation ☐ Approve ☐ Deny	PC Recommendation ☐ Approve ☐ Deny	City Council Action ☐ Approve ☐ Deny	Ordinance #
---	--	--	-------------

APPLICATION WILL NOT BE CONSIDERED COMPLETE WITHOUT THE FOLLOWING INFORMATION ADDRESSED:

Please describe the nature and operating characteristics of the proposed use:

We will build triplex community for residential
purpose.

STATE HOW THE FOLLOWING ISSUES WILL BE ADDRESSED:

1. Parking:

We will be in compliance with city codes to build
enough parking lots.

2. Screening of offensive areas (trash, loading areas, transformers, utility connections, detention ponds, etc.).

Our professional engineers will design it to meet
all of requirements.

3. Traffic Impacts:

There is no major traffic impacts.

4. Protection of Neighborhoods:

We will build decent and nice community to
support our neighborhoods like church, choctaw cultural
center and schools etc.

What licenses and permits (if any) are required for this proposed use?

N/A

Please list or describe any other reasons to support this application.

Our triplex community location will support both durant
and calera residential demand.

2

Bryan County Abstract Company
Serving Bryan County Since 1903

I-2021-730472 Book 1551 Pg: 203
02/12/2021 11:16 am Pg 0203-0203
Fee: \$ 18.00 Doc: \$ 450.00
Tammy Reynolds - Bryan County Clerk
State of Oklahoma

After recording return to:

Texoma Park Victory Investment LLC

1904 Seguin Ct. (1904 Seguin Ct.)
Allen, TX 75013



**WARRANTY DEED
STATUTORY INDIVIDUAL**

Doc Stamps: \$450.00

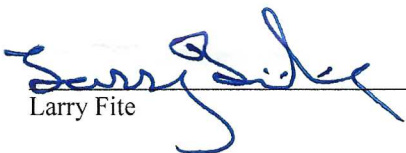
That Larry Fite, a single person and Judy K. Oliger and Mark Oliger, wife and husband, (the "Grantor"), in consideration of the sum of TEN & NO/100 Dollars and other valuable considerations, in hand paid, the receipt of which is hereby acknowledged, do (es) hereby, grant, bargain, sell and convey unto **Texoma Park Victory Investment LLC, (the "Grantee")**, the following described real property and premises situate in **Bryan County, State of Oklahoma**, to wit:

The S/2 SW/4 SW/4, LESS and EXCEPT the North 208.71 feet of the West 208.71 feet thereof, in Section 1, Township 7 South Range 8 East of the Indian Base and Meridian, in Bryan County, Oklahoma, according to the Government Survey thereof.

Together with all the improvements thereon and the appurtenances thereunto belonging, and warrant the title to the same.

TO HAVE AND TO HOLD said described premises unto said Grantee, and to the heirs, successors and assigns forever, free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature.

Signed and delivered this date this **10th** day of **February, 2021**.


Larry Fite


Judy K. Oliger


Mark Oliger

STATE OF OKLAHOMA
Bryan County
Documentary Stamps \$ 450.00

ACKNOWLEDGMENT - OKLAHOMA FORM

State of: Oklahoma)
)SS.
County Of: Bryan)

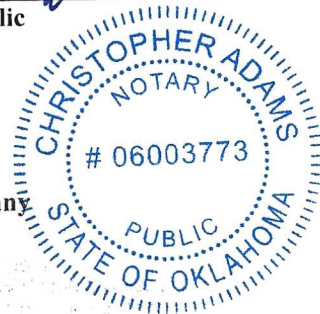
Before me, the undersigned, a Notary Public, in and for said County and State, on this 10th day of February, 2021 personally appeared **Larry Fite, a single person and Judy K. Oliger and Mark Oliger, wife and husband** to me known to be the identical person(s) who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth

Given under my hand and seal the day and year last above written.


Notary Public

My Commission Expires: 4/2/22

File No.: 2020100146
Name of Title Insurer: American Eagle Title Insurance Company



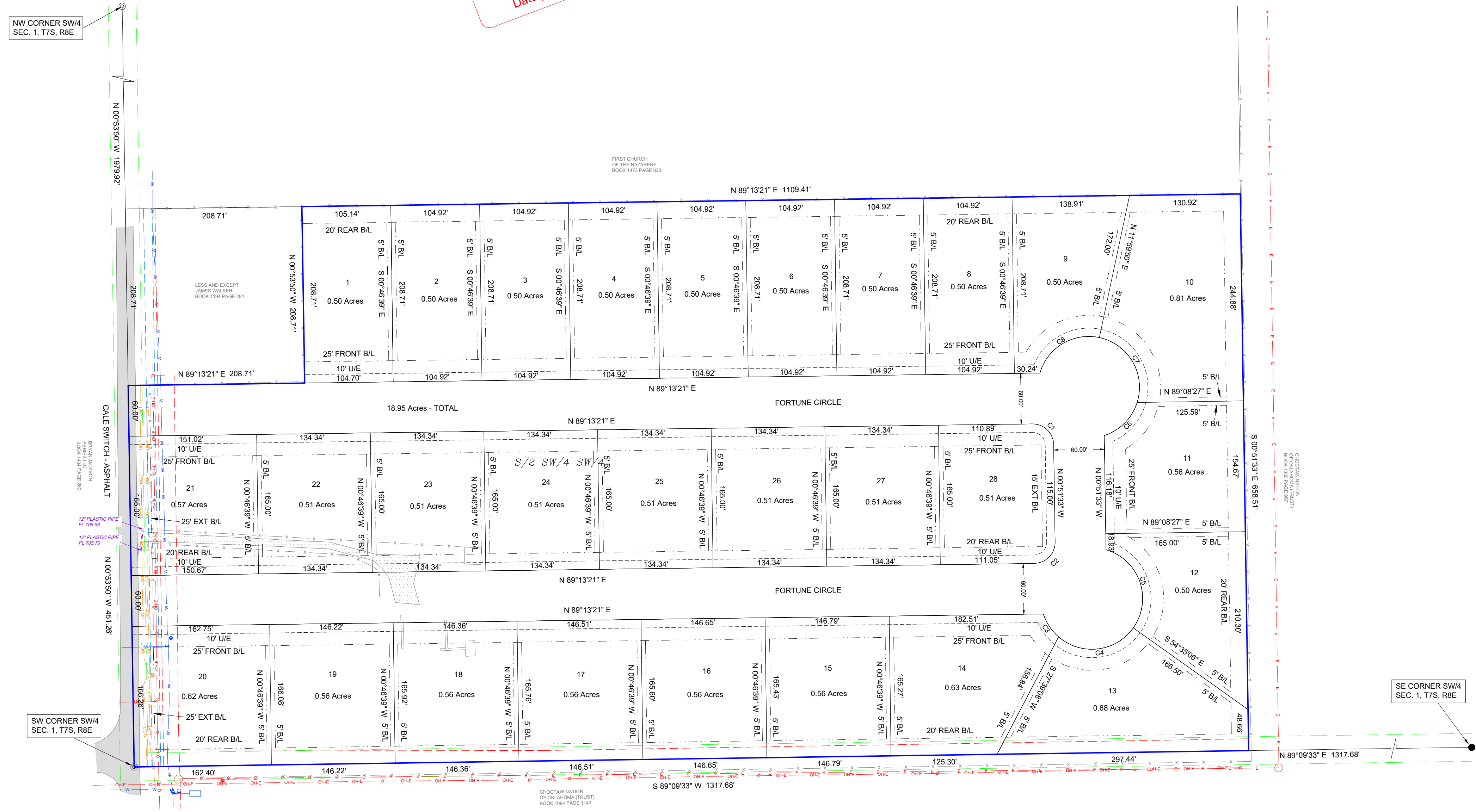
Streamline - Warranty Deed - Statutory Individual Rev 02/03/21

FLOOD ZONE INFORMATION:
SUBJECT PROPERTY IS LOCATED IN OTHER AREAS ZONE X
(AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL
CHANCE FLOOD PLAIN) ACCORDING TO FIRM PANEL NO.
40013C0310E AND 40013C0170E. MAPS EFFECTIVE DATE OF
JUNE 2, 2011.

DURANT FORTUNE VILLAS

A PART OF THE S/2 OF THE SW/4 OF THE SW/4 OF SECTION 1, TOWNSHIP 7 SOUTH, RANGE 8 EAST, BRYAN COUNTY, STATE OF OKLAHOMA.

This document is preliminary in
nature and is not a final signed
and sealed document.
Date: 2/21/22



BUILDING SETBACK NOTE:
ALL INTERIOR LOT LINES ARE SUBJECT TO A 5.00 FOOT
BUILDING SET BACK ON EACH SIDE OF SAID LOT
INTERIOR LOT LINES.

DURANT CITY COUNCIL - APPROVAL AND ACCEPTANCE

I, _____, City Manager for the City of Durant, State of Oklahoma,
administrative leader as appointed by the City Council, hereby certify that the said
commission duly approved the annexed plat of DURANT FORTUNE VILLAS, on
this _____ day of _____, 2022.

City Manager

DURANT CITY PLANNING COMMISSION - APPROVAL AND ACCEPTANCE

I, _____, Chairman of the Durant Planning Commission for the City of
Durant, State of Oklahoma, hereby certify that the said commission duly approved the
annexed plat of DURANT FORTUNE VILLAS, on this _____ day of _____, 2022.

Chairman

Secretary

LEGEND

These standard symbols may
be found in the drawing.

FOUND 1/2" STEEL PIN	16.5' STATUTORY RIGHT-OF-WAY
SET CONTROL POINT	BOUNDARY LINES
FOUND MAG NAIL	UNDERGROUND TELEPHONE
SET 1/2" STEEL PIN (PLS 1819)	OVERHEAD ELECTRIC
FOUND 3/8" STEEL PIN	OVERHEAD TRANSMISSION
FOUND 1/2" STEEL PIN (PLS 1198)	UNDERGROUND ELECTRIC
FOUND 3/4" PIPE	UNDERGROUND WATER
FOUND MAG NAIL REPLACED W/	EXISTING FENCE
3/8" SPIKE W/ WASHER (PLS 1819)	PLASTIC DRAIN PIPE
POWER POLE	BUILDING LINE
COMMUNICATION VAULT	UTILITY EASEMENT
TELEPHONE PEDESTAL	
WATER METER	
WATER VALVE	
FIRE HYDRANT	

Texoma Park Victory Investment LLC,
Owners

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That Texoma Park Victory Investment LLC., being the sole owner(s) in fee simple of the following described real property respectively, to wit:

LEGAL DESCRIPTION:
I, B.J. MCINNICH, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OKLAHOMA, DO HEREBY CERTIFY THAT THIS
BOUNDARY SURVEY PLAT, PREPARED UNDER MY DIRECT SUPERVISION, ACCURATELY REPRESENTS THE FOLLOWING
DESCRIBED TRACTS OF LAND TO WIT:

LEGAL DESCRIPTION:
The S/2 SW/4 SW/4, LESS AND EXCEPT THE North 208.71 feet of the West 208.71 feet thereof, in Section 1, Township 7 South, Range 8 East
of the Indian Meridian, in Bryan County, Oklahoma, according to the Government Survey thereof.

Texoma Park Victory Investment LLC., offers for dedication to the public use of all streets, avenues, parks, public facilities and easements
as shown on the annexed plat of DURANT FORTUNE VILLAS, to the City of Durant, Bryan County, State of Oklahoma. The transaction of this
irrevocable offer of dedication shall be consummated upon the execution of the Certificate of Acceptance of Dedication, for the purpose of
providing an orderly development of DURANT FORTUNE VILLAS, to Bryan County, State of Oklahoma, we do hereby provide restrictive
covenants. Filed in Book _____, Page _____, of the records in the office of the County Clerk, Bryan County, Oklahoma.

Texoma Victory Real Property Investment, LLC. - (OWNERS)

Date

STATE OF OKLAHOMA COUNTY OF BRYAN

Before me, the undersigned, a Notary Public in and for said County and State on this _____ day of _____, 2022, personally
appeared _____ to me known to be the identical person who executed the within and foregoing instrument and acknowledged to
me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.
Given under my hand and seal of office the day and year last above written.

Notary Public

Commission Expiration

NOTARY

LICENSED LAND SURVEYORS CERTIFICATE

I, B.J. McIninch, a Licensed Land Surveyor in the State of Oklahoma, do hereby
state that this plat of survey for DURANT FORTUNE VILLAS, an addition to the
City of Durant, is based on an actual field survey, by myself, or under my direction,
in conformance with the Oklahoma Minimum Standards for the Practice of Land
Surveying. All lot and block corners of aforementioned plat will be 3" steel pins set
with PLS 1819 ID cap unless otherwise shown on plat. This plat of DURANT
FORTUNE VILLAS is subject to easements and/or rights-of-way, covenants, and
other restriction, either recorded, or implied, thereof.

B.J. McIninch
B.J. McIninch P.L.S. 1819

2-21-22
Date

STATE OF OKLAHOMA COUNTY OF BRYAN

Before me, the undersigned, a Notary Public in and for said County and
State on this 21st day of February, 2022, personally appeared BJ McIninch to me
known to be the identical person who executed the within and foregoing instrument
and acknowledged to me that he executed the same as him free and voluntary act
and deed for the uses and purposes therein set forth.
Given under my hand and seal of office the day and year last above written.

Justin Alperia
Notary Public

August 26, 2022
Commission Expiration

COUNTY TREASURERS CERTIFICATE

I, _____, The duly elected and qualified County Treasurer of Bryan
County, Oklahoma, do hereby certify that there are no unpaid taxes up to and
including the year 2021 on the described real property known as DURANT
FORTUNE VILLAS being a part of Bryan County, State of Oklahoma, and the
required security has been deposited in the office of the County Treasurer
guaranteeing payment of the current years taxes.

Witness my hand this _____ day of _____, 2022.

County Treasurer

DEPARTMENT OF ENVIRONMENTAL QUALITY APPROVAL

The Oklahoma State Department of Environmental Quality, certifies that this plat is
approved for the construction of a _____ sewage disposal system and a _____
water system this _____ day of _____, 2022.

Environmental Specialist

COUNTY CLERK CERTIFICATE STATE OF OKLAHOMA COUNTY OF BRYAN

This instrument, _____, was filed on the _____ day of _____, 2022, at
_____, and duly recorded in book _____, page _____.

County Clerk

BM SURVEYING, INC

2836 W. TWIN OAKS RD
CANBY, OKLAHOMA 74533
(580) 279-9544
BM.SURVEYING@YAHOO.COM

B.J. MCINNICH - COPYRIGHT 2022
PROFESSIONAL LAND SURVEYOR - #1819
CERTIFICATE OF AUTHORIZATION - #7076

DURANT FORTUNE VILLAS

A PART OF THE S/2 OF THE SW/4 OF
THE SW/4 OF SECTION 1, TOWNSHIP 7
SOUTH, RANGE 8 EAST, BRYAN
COUNTY, STATE OF OKLAHOMA.

0 80 160

VICINITY MAP

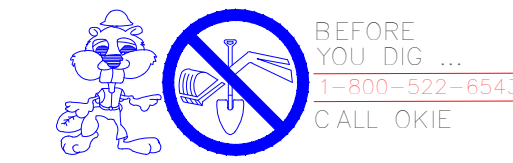


-BASIS OF BEARINGS-
OKLAHOMA STATE PLANE BEARINGS
(NAD 83)
DETERMINED FROM G.P.S. OBSERVATIONS
CONTROLLING CORNERS ARE EXISTING MONUMENTS
FOUND AT THE SECTION AND QUARTER SECTION
CORNERS OF SECTION 1, TOWNSHIP 7 SOUTH, RANGE
8 EAST, BRYAN COUNTY, OKLAHOMA

GENERAL NOTES

SUBJECT TO EASEMENTS AND/OR RIGHTS-OF-WAY, EITHER
RECORDED, OR IMPLIED, THEREOF.
NO UTILITIES OF ANY KIND HAVE BEEN LOCATED EXCEPT THOSE
SHOWN ON THE ABOVE PLAT
CONTROLLING CORNERS FOR THIS SURVEY ARE AS SHOWN ON THE
LOCATION MAP
THIS IS NOT A VALID SURVEY WITHOUT THE SURVEYORS ORIGINAL
SIGNATURE AND ORIGINAL SEAL
PORTIONS OF THIS PLAT ARE IN COLOR, PHOTO AND ELECTRONIC
MEANING OF THIS PLAT MAKE IT INVALID AND MAY ALTER ITS
MEANING

THIS PLAT AND SURVEY MEETS THE OKLAHOMA MINIMUM
STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED
BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS.



NO.	REVISION/ISSUE	DATE

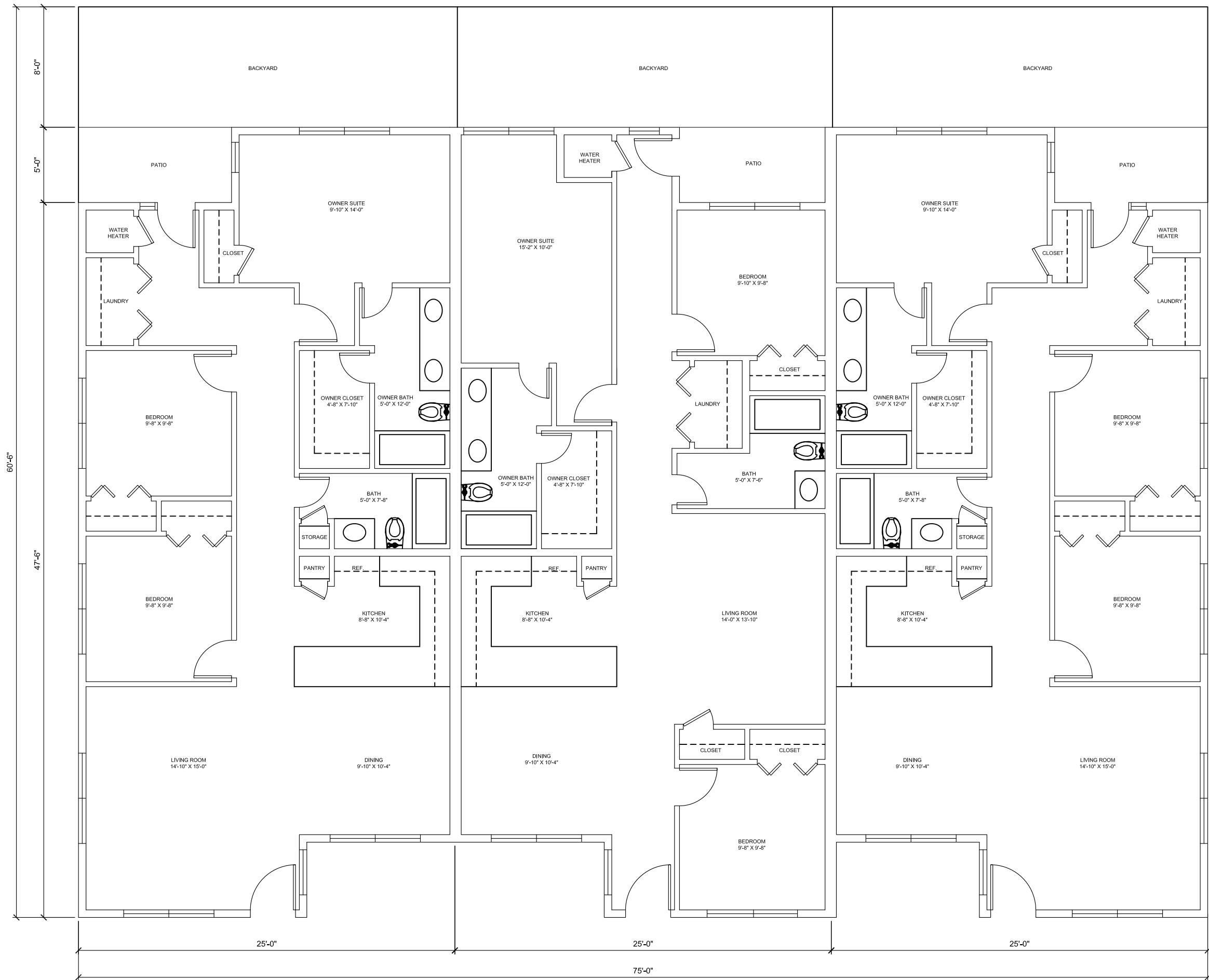
SURVEY INFORMATION
FIELD WORK PERFORMED: 12-15-21 to 1-27-22
DATE OF LAST SITE VISIT: 1-27-22
PLAT COMPLETED: 2-21-22

Project:
TEXOMA PARK VICTORY
INVESTMENT LLC

DATE: 2-21-22

SCALE: 1" = 80'

SHEET NO. 1 OF 1





THE CITY OF DURANT

Office of Community Development

Date: 04/05/2022
To: Planning Commission
Case: PC 2022-05
From: Danielle O'Neal, Community Development Director
Re: Re-Plat Request for property located near North 4th Avenue and Willow Street

Request: Consider a request from BREI, LLC, for a Re-Plat Request for property located near North 4th Avenue and Willow Street.

Current Zoning: R-3, General Residential

Surrounding Properties:

Direction	Zoning	Use
North	R-3	Single Family Residential
East	R-3	Single Family Residential
South	R-3	Single Family Residential
West	R-3	Single Family Residential

Lot Characteristics: (Current Lots)

Width	~ 25 ft. (Each)
Depth	~148 ft. (Each)
Total Area	~0.08 acres (~3,700 sq. ft.) (Single) ~0.17 acres (~7,400 sq. ft.) (Together)

Applicant: BREI, LLC

Background: The applicant approached staff regarding filing for a re-plat request with the hopes of building a single family home on the property. This re-plat is combining two lots into one lot. Both of these lots are a part of a platted area dated around 1913. These lots do not currently meet the lot size requirements for the zoning classification.

Notifications have been made to the surrounding property owners and at the time of this report, there have not been any letters or emails received by staff.

Analysis: The subject property individually is approximately 3,700 square feet and the lots together would be approximately 7,400 square feet. It should be noted, currently the frontage of the lots is approximately 25 feet; therefore together the street frontage will be just under the 50-foot requirement. The applicant is planning to place a single family home with its own driveway on the property. The floorplans provided by the applicant shows a single family home that will fit on the lot, if the re-plat is approved. There appears to be City Water and Sewer in the area. The Maintenance and Operations Supervisor has noted on the sign off sheet that the nearest sewer main is in between North 4th Street and North 5th Street on Willow. The applicant will need to contact the Public Works Department regarding what is required to ensure City water and sewer serve the property.

The current Land Use Map appears to have this area as mixed residential; therefore, this request is generally in line with the Comprehensive Plan.

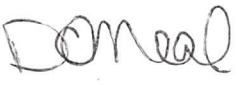
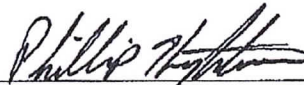
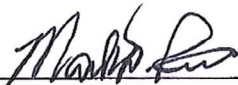
Staff Recommendation: Staff has signed off supporting the approval of the re-plat, with the note from the Maintenance and Operations Supervisor regarding the sewer main. It was also noted that no easements are listed on the plat. No further comments have been received as of the creation of this report.

Required Action: Hold a public hearing and recommend approval or denial of the Re-Plat request for property located near North 4th Avenue and Willow Street. Any specific conditions imposed by the Commission should be read into any approval motion.

COMMUNITY DEVELOPMENT PLAT SIGN OFF SHEET

4th & Willow Re-plat

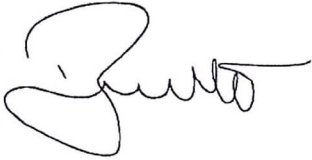
PC 2022-05

Department	Signature	Date	Notes
Com Dev Director Danielle O'Neal		3-29-22	no easements listed
M&O Randy Cantrell		02-28-2022	Nearest Sewer Main is in Willow Between 4 th & 5 th
Streets Carl Meade		2/28/22	
Public Works Director Phillip Hightower		2-28-22	
Fire Marshal Wade Boyd	see att		
Building Inspector Mark Pierce		2-28-22	
Engineer Brandon Wall	see att		

COMMUNITY DEVELOPMENT PLAT SIGN OFF SHEET

4th & Willow Re-plat

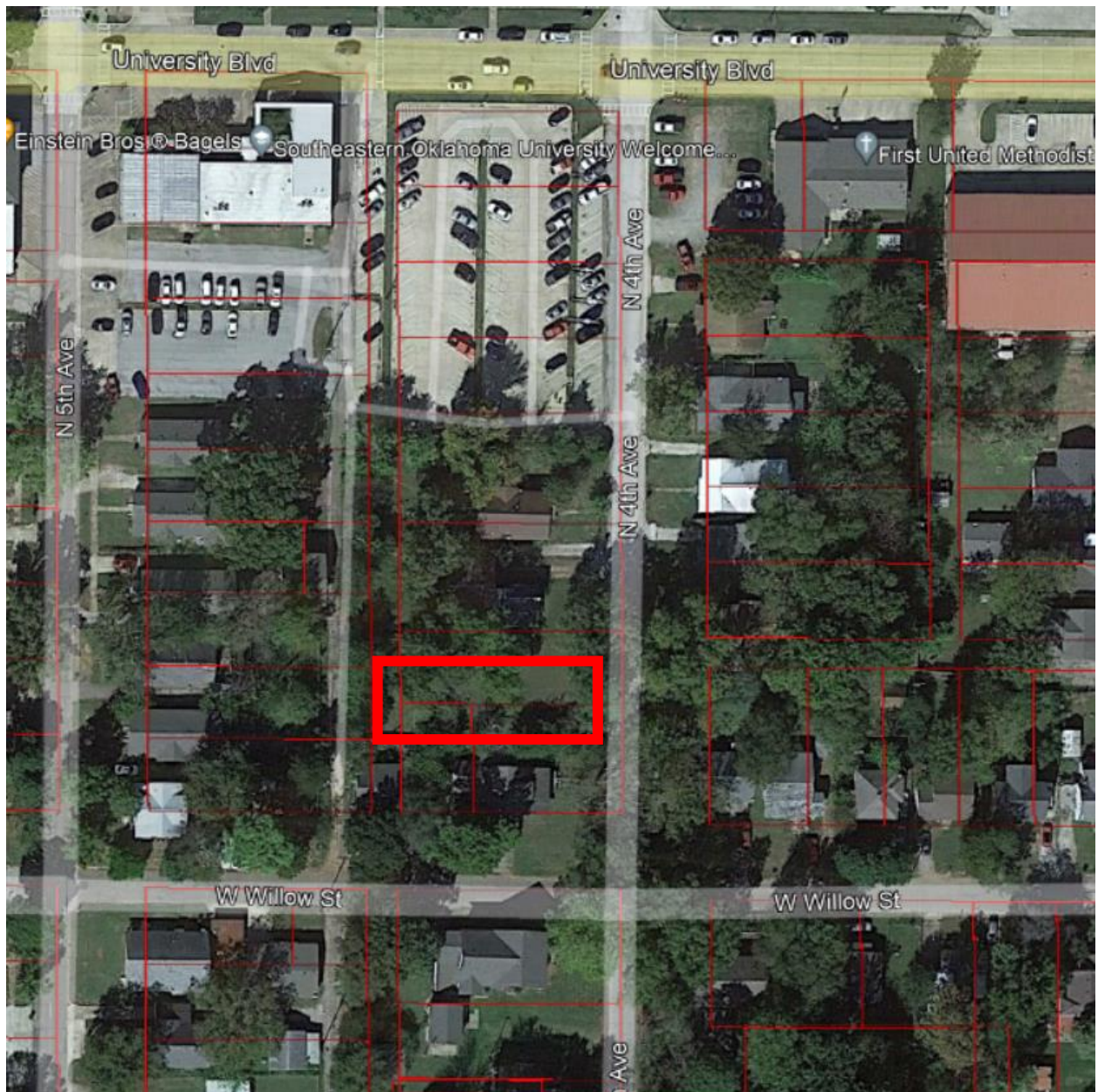
PC 2022-05

Department	Signature	Date	Notes
Com Dev Director Danielle O'Neal			
M&O Randy Cantrell			
Streets Carl Meade			
Public Works Director Phillip Hightower			
Fire Marshal Wade Boyd			
Building Inspector Mark Pierce			
Engineer Brandon Wall		02/26/22	No Comments

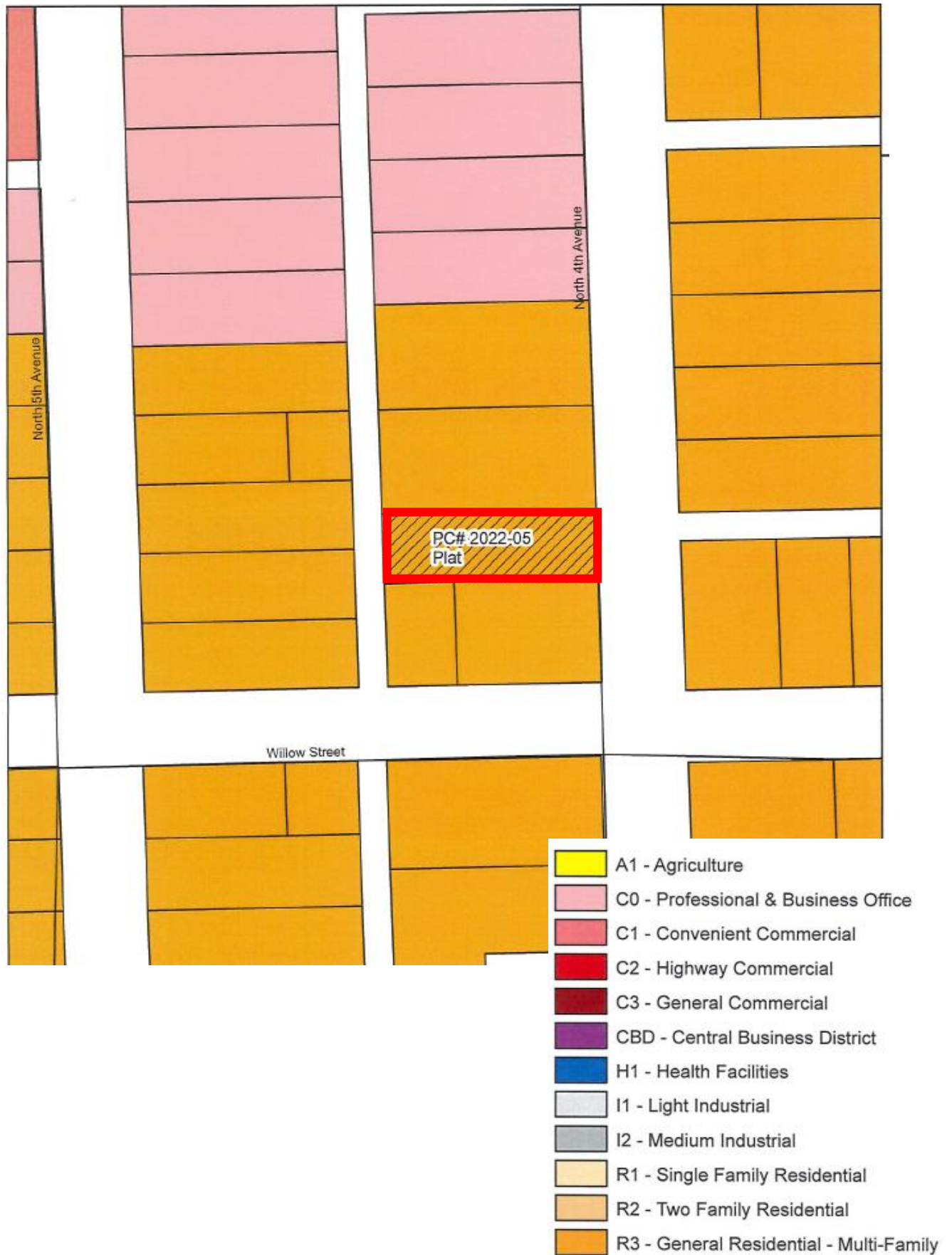
COMMUNITY DEVELOPMENT PLAT SIGN OFF SHEET
4th & Willow Re-plat

Department	Signature	Date	Notes
Com Dev Director Danielle O'Neal			
M&O Randy Cantrell			
Streets Carl Meade			
Public Works Director Phillip Hightower			
Fire Marshal Wade Boyd	<i>W Boyd</i>	<i>2-28-22</i>	<i>No issues.</i>
Building Inspector Mark Pierce			
Engineer Brandon Wall			

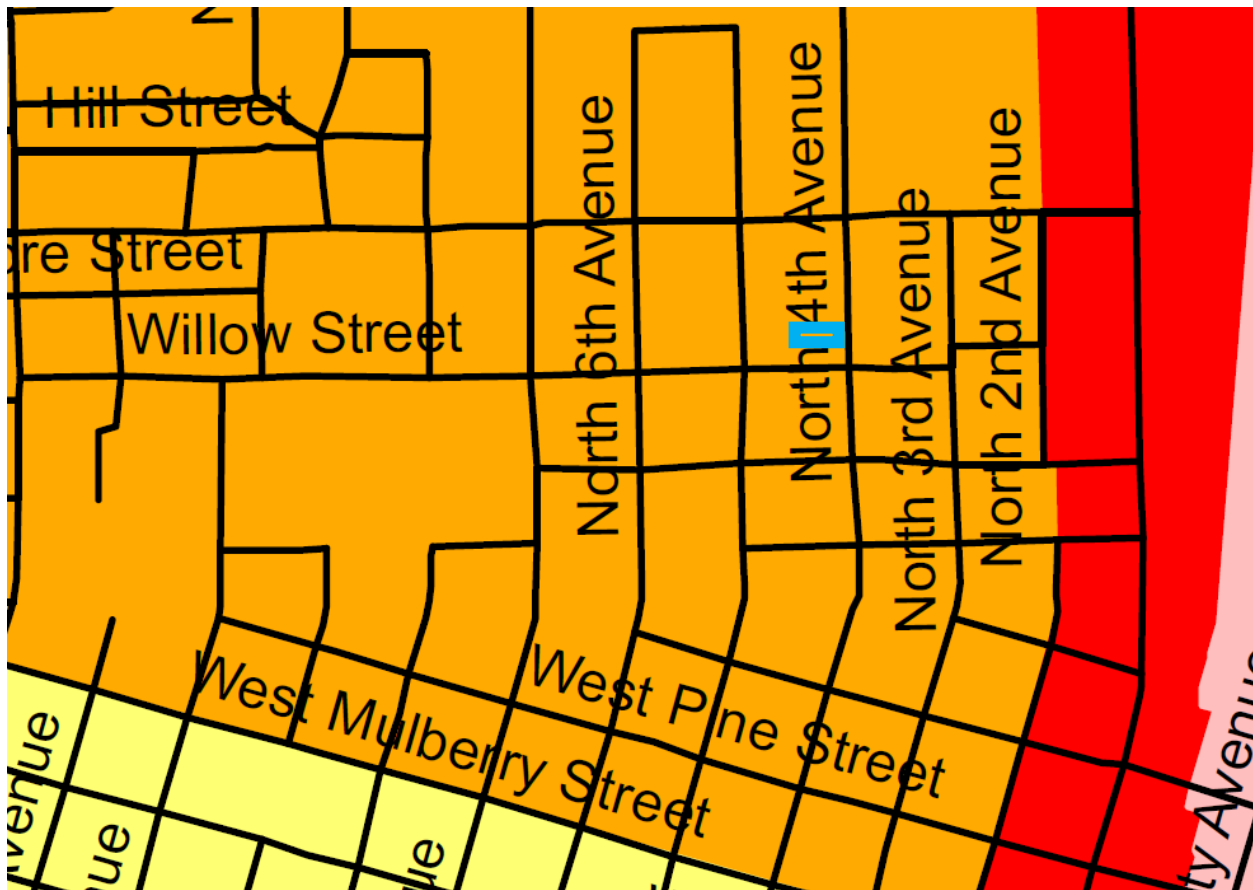
Aerial Map



Zoning Map



Future Land Use Map



Location is approximate

Future Land Use



SUBDIVISION RULES

FOR THE

CITY OF DURANT

Ordinance **O-2021-20**

Approved by City Council
on: August 10, 2021

GENERAL PROVISIONS

§ 156.001 PURPOSE AND INTENT.

(A) These regulations are designed to promote the health, safety, morals and general welfare of the community by establishing standards for the subdivision of land within the city's jurisdiction.

(B) The provisions of this chapter are specifically designed to lessen the congestion on streets; promote the orderly layout and use of land; secure safety from fire and other dangers; provide adequate light and air; facilitate adequate provisions for transportation, water, sewage, schools, parks, playgrounds and other public requirements; and protect neighborhood areas from the hazard of through traffic.

(C) These regulations are designed, intended and should be administered according to the purposes so to achieve the following:

- (1) Implement the Comprehensive Plan;
- (2) Provide for conservation of existing standard residential areas and prevent the development of slums and blight;
- (3) Harmoniously relate the development of the various tracts of land to the existing community and facilitate the future development of adjoining tracts;
- (4) Provide that cost of improvements which primarily benefit the tract of land being developed be borne by the owners or developers of the tract and that the cost of improvements which primarily benefit the whole community be borne by the whole community;
- (5) Provide the best possible design for the tract;
- (6) Reconcile any difference of interest; and
- (7) Establish adequate and accurate records of land subdivision.

§ 156.002 POLICY.

It is the policy of the Planning Commission and the city that these regulations are adopted for the purpose of establishing standards for reviewing of plans, plats and replats as provided for in 11 O.S. § 45-104.

§ 156.003 AUTHORITY.

(A) These subdivision regulations and minimum standards for land development are adopted by resolution of the Planning Commission and ratified by ordinance of the city in accordance with the provisions in 11 O.S. §§ 45-101 through 45-104.

(B) In all cases where these regulations provide for matters to be submitted to the Secretary of the Planning Commission those matters may be submitted to the Community Development Director or alternatively to the City Manager, and in all cases where these regulations provide for approvals by or actions to be taken by the Secretary of the Planning Commission those approvals or actions may be taken by the Community Development Director or alternatively the City Manager.

§ 156.004 VALIDITY.

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

§ 156.005 ADMINISTRATION AND AMENDMENTS.

The Planning Commission and City Council 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 be expedited. These regulations may be enlarged or amended by the City Council after public hearing, due notice of which shall be given as required by law.

§ 156.006 JURISDICTIONS.

These regulations and development standards shall apply to the following forms of land subdivision:

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

§ 156.007 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADDITION. One lot, tract or parcel of land lying within the corporate boundaries of the city which is intended for the purpose of development.

ALLEY. A minor right-of-way dedicated to the public use, which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street and may be used for public utility purposes.

AMENDED PLAT. A revised plat correcting errors or making minor changes to the original recorded final plat.

AMENITY. An improvement to be dedicated to the public or the common ownership of the lot owners of the subdivision and providing an aesthetic, recreational or other benefit, other than those prescribed by this ordinance.

BLOCK. A parcel of land, intended to be used for urban purposes, which is entirely surrounded by public streets, highways, railroad rights-of-way, public walks, parks or greenstrips, rural land or drainage channels or a combination thereof.

BOND. Any form of a surety bond in an amount and form satisfactory to the city.

BUILDING LINE or **SETBACK LINE.** A line or lines designating the area outside of which buildings may not be erected.

CAPITAL IMPROVEMENTS PROGRAM. The official proposed schedule of all future public projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project, as adopted by City Council.

CITY ENGINEER. The official with responsibility to review and release plans for construction projects, or his designee.

CITY. The City of Durant, Oklahoma.

COMMISSION. The Planning Commission for the City of Durant.

COMPREHENSIVE or GENERAL PLAN. A plan for development of the city prepared and adopted by the City Council, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof.

CONSTRUCTION PLAN. The maps or drawings accompanying a plat and showing the specific location and design of public improvements to be installed in the subdivision or addition in accordance with the requirements of the Planning Commission as a condition of the approval of the plat.

CONTIGUOUS. Lots are contiguous when at least one boundary line of one lot touches a boundary line or lines of another lot.

COUNCIL. The City Council of the City of Durant, Oklahoma.

COUNTY. Bryan County, Oklahoma.

DEDICATION PLAT. A plat prepared for the purpose of dedicating land or easements for rights-of-way to the city.

DEVELOPER. The person, business, corporation or association responsible for the development of the subdivision or addition. In most contexts the terms Developer and Property Owner are used interchangeably in these regulations.

DEVELOPMENT EXACTION. Any dedication of land or easements for, construction of, or contribution toward construction of a public improvement required as a condition of plat approval by the city under these regulations.

DEVELOPMENT. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, paving, drainage or utilities, but not agricultural activities.

DIRECTOR. The Director of the Community Development Department of the City of Durant, or his/her designee.

DRAINAGE WAY. All land areas needed to allow passage of the Base Flood, including sufficient access above the Base Flood elevation along each side of and parallel to the natural or excavated channel.

EASEMENT. A grant by the property owner to the public, a corporation or persons of the use of a strip of land for specific purposes.

ESCROW. A deposit of cash with the city in accordance with city policies.

FINAL PLAT. The map of a subdivision or addition to be recorded after recommendation of the Planning Commission and approval of the City Council. Including any accompanying material and additional requirements as described in these regulations.

FLOODPLAIN. Any land area susceptible to being inundated by water from the base flood.

IMPROVEMENT AGREEMENT. A contract entered into by the developer and the city by which the developer promises to complete the required public improvements within the subdivision or addition within a specified time period following final plat approval.

LOT OF RECORD. A lot created prior to January 1, 2008, which is the date of enactment of these subdivision regulations for the City of Durant through Ordinance. No. 1573.

LOT, CORNER. A lot which has at least two adjacent sides abutting for the full lengths on a street, provided that the interior angle at the intersection of such two sides is less than 135 degrees.

LOT, DOUBLE FRONTAGE. A lot which runs through a block from street to street and which has two nonintersecting sides abutting on two or more streets.

LOT. A subdivision of a block or other parcel intended as a unit for the transfer of ownership or for development.

MAJOR PLAT. All plats not classified as minor plats, including but not limited to subdivisions of more than four (4) lots, or any plat requiring creation of any new street or extension of the city's facilities.

MINOR PLAT. A subdivision resulting in four or fewer lots and not requiring the creation of any new street or the extension of municipal facilities.

MUNICIPAL FACILITY. An improvement owned and maintained by the city.

OFF-SITE IMPROVEMENT. Any public improvement located outside the physical boundaries of the subdivision or addition to be platted.

PERIMETER STREET. Any existing or planned street which abuts the subdivision or addition to be platted.

PRELIMINARY PLAT. A map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed subdivision of land that has a recommendation of the Planning Commission and is approved by the City Council.

PLAT. The plan or map for the subdivision or addition to be filed for record in the County where such subdivision or addition is located.

PLATTING. The act of preparing for approval and processing, pursuant to these regulations, the plan or map for the subdivision or addition to be filed for record in the County where such subdivision or addition is located.

PRIVATE STREETS & ALLEYS. A private vehicular access way shared by and serving two or more lots, which is not dedicated to the public and is not publicly maintained. Private streets and alleys may be established only under the terms of these regulations. The term private street shall be inclusive of alleys.

PROPERTY OWNER. Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land comprising the subdivision or addition, or any representative or agent thereto, who has express written authority to act on behalf of such owner.

PUBLIC IMPROVEMENT. Any drainage way, roadway, parkway, sidewalk, utility, pedestrian way, off-street parking area, lot improvement, open space, or other facility for which the city or other governmental entity will ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

REMAINDER. The residual land left after platting of a portion of a tract. Platting of a residual may in some instances be required under the provisions of this ordinance.

REPLATTING. Any change in a map of an approved or recorded plat, except as permitted as an amended plat, that affects any street layout on the map or area reserved or dedicated thereon for public use or any lot line, or that affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions or additions. Replatting includes the combination of lots into a single lot for purposes of development. Replatting does require a recommendation from the Planning Commission and approval of the City Council.

RESUBDIVISION. The replatting of a subdivision plat.

RIGHT-OF-WAY. A parcel of land occupied or intended to be occupied by a street or alley. Where appropriate right-of-way may include other facilities and utilities, such as sidewalks, railroad crossings, electrical, communication, oil or gas, water or sanitary or storm sewer facilities, or for any other special use. The use of right-of-way shall also include parkways and medians outside of pavement. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

ROADWAY. That portion of any street so designated for vehicular traffic and where curbs are normally placed, means that portion of the street between the curbs.

SECURITY. The letter of credit or cash escrow provided by the applicant to secure its promises in the improvement agreement.

SKETCH PLAT. A sketch preparatory to the preliminary plat or final plat, to enable the property owner to save time and expense in reaching general agreement with the Planning Commission and City Council as to the form of the plat and the objectives of these regulations.

STREET, COLLECTOR. A minor street as designated on the major street plan which collects traffic from other minor streets and serves as the most direct route to a major street or a community facility.

STREET, CUL-DE-SAC. A minor street having one end open to vehicular traffic and having one closed end terminated by a turnaround.

STREET, FRONTAGE OR SERVICE. A minor street auxiliary to and located on the side of a major street for service to abutting properties and adjacent areas and for control of access.

STREET, MAJOR. An arterial street which is designated on the major street plan or comprehensive plan.

STREET, MINOR. Any street not classified as a major street on the major street plan whose primary purpose is to provide access to adjacent properties.

SUBDIVIDER. Any person, firm, partnership, corporation or other entity, acting as a unit, subdividing or proposing to subdivide land as herein defined.

SUBDIVISION. A division of any tract of land situated within the corporate limits, or within the extraterritorial jurisdiction or regional planning district of the city, into two or more parts for the purpose of laying out any subdivision of any tracts of land or any addition to the city or for laying out suburban lots or building lots, or any lots, and streets, alleys or parts or other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto for the purpose, whether immediate or future, of creating building sites.

SUBSTANDARD STREET. An existing street, or highway that does not meet the minimum specifications in the Thoroughfare Standards Ordinance and city Construction Standards and Specifications, or if a State Highway does not meet the minimum Standard Specifications of the Oklahoma Department of Transportation and is not constructed to the ultimate extent for the type of roadway it is designated for in the major thoroughfare plan. A standard street is a street or highway that meets or exceeds said standard specifications and major thoroughfare plan.

TEMPORARY IMPROVEMENT. Improvements built and maintained by an owner during construction of the development of the subdivision or addition and prior to release of the performance bond or improvements required for the short term use of the property.

GENERAL PROCEDURE

§ 156.020 PLAT APPROVAL.

For all cases of subdividing within the scope of these regulations, a plat of the land in question or an easement with a description in writing when appropriate shall be drawn and submitted to the Planning Commission and City Council for their approval or disapproval, as provided hereafter in these regulations.

§ 156.021 TIME LIMITATIONS.

(A) *Sketch Plats.* The applicant shall submit to the Community Development Department two copies including a digital copy of the proposed sketch plat. A notice of public hearing shall

be published in an official paper or a newspaper of general circulation in the city at least 15 days prior to the date of the public meeting. Notice shall be mailed to all owners of property located within 300 feet of the subject property as provided by a certified abstractor's list as the applicant's cost at least 20 days prior to the hearing. The sketch plat must receive a recommendation by the Planning Commission and be approved by the City Council. The approval of a sketch plat shall be valid for a period of two years. If a preliminary plat covering all or part of the land shown in a sketch plat has not been filed with the Secretary of the Planning Commission within two years of the date of approval of the sketch plat, then all approvals shall be void and the land owner shall have no rights or privileges based upon the former approval.

(B) *Preliminary Plats.* The applicant shall submit to the Community Development Department four copies including a digital copy of the preliminary plat and one copy of the preliminary plat check list. A notice of public hearing shall be published in an official paper or a newspaper of general circulation in the city at least 15 days prior to the date of the public meeting. Notice shall be mailed to all owners of property located within 300 feet of the subject property as provided by a certified abstractor's list at the applicant's cost at least 20 days prior to the hearing. At the option of the applicant a preliminary plat may be submitted without the necessary improvement plans with a request for conditional approval from the City Council after receiving a recommendation from the Planning Commission. After the granting of a conditional approval of such a partial submission of a preliminary plat, the applicant shall submit the necessary improvement plans within six months. If the improvement plans are not submitted within six months all conditional approvals shall be void. The Planning Commission and the City Council shall act upon all submissions related to the preliminary plats within 75 days of the receipt of materials or the plat shall be considered to have been approved. If a final plat covering all or part of the land shown in a preliminary plat has not been filed with the Community Development Department within two years after the approval of the preliminary plat, then all approvals shall be void.

(C) *Final Plats.* The applicant shall submit to the Community Development Department four copies including a digital copy of the final plat and two copies of the as-built plans for all improvements installed. A notice of public hearing shall be published in an official paper or a newspaper of general circulation in the city at least 15 days prior to the date of the public meeting. Notice shall be mailed to all owners of property located within 300 feet of the subject property as provided by a certified abstractor's list at the applicant's cost at least 20 days prior to the hearing. The Planning Commission and City Council shall act upon all submissions related to final plats within 75 days of the date of receipt of materials or the plat shall be considered to have been approved. If a final plat is not filed of record with the County Clerk within six months after the approval of the Planning Commission and City Council, then all approvals shall be void.

(D) *Certified Abstractor's List.* The certified abstractor's list will expire after 60 days of issuance. It will remain at the owner's cost to provide an updated list to Community Development.

§ 156.022 OFFICIAL RECORDING.

Except as provided and lots of record established prior to the effective date of these regulations (January 1, 2008), no plat or other land subdivision instrument shall be filed in the office of the County Clerk until it shall have been approved by the Planning Commission and by the City

Council as hereinafter set forth. All final plats shall be filed within two years of date of approval by the Planning Commission and City Council, and no lots shall be sold from any plat until recorded. Time extensions of the two-year filing requirement may be granted by the City Council after recommendation of the Planning Commission upon review of the final plat and a finding that circumstances prevail substantially as of the time of original approval.

§ 156.023 AGENDA.

Each plat submitted for preliminary or final approval shall be placed on the agenda of the Planning Commission only after fulfilling the appropriate requirements of these regulations. However, a plat not meeting all of the requirements may be submitted providing the subdivider presents with the plat a written request for specific exceptions and explains the reasons therefore.

§ 156.024 FILING FEE.

(A) Fees, as set by the City Council by resolution or motion, shall be paid to the city at the time of submitting each of the respective plats and applications for a hearing before the Planning Commission or Board of Adjustments.

(B) No part of the subdivision plat or hearing fees shall be refundable.

§ 156.025 VARIATIONS AND EXCEPTIONS.

Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these regulations would result in substantial hardship or inequity, the City Council may vary or modify, except as otherwise indicated, such requirements of design, but not of procedure or improvements, so that the subdivider may develop his or her property in a reasonable manner, but so, at the same time, that the public welfare and interests of the city are protected and that the general intent and spirit of these regulations be preserved. Such modification may be granted upon written request of the subdivider stating the reasons for each modification and such action shall be taken by the affirmative vote of three-fourths of the regular membership of the Planning Commission and confirmed by a simple majority vote of the City Council.

§ 156.026 SURETY BOND.

In lieu of filing a surety bond the subdivider or developer may secure and place on deposit with the city an irrevocable letter of credit or comparable instrument from a title company, banking institution or similar financial institution, stating that money will be held in escrow until all offsite improvements have been completed to the city's satisfaction. Such letter of credit or financial instrument shall be drawn in favor of the city for the entire cost of improvements for water mains, paving, sanitary sewers, storm sewers and other drainage facilities as estimated by the subdivider's registered professional engineer and approved by the City Engineer. The Building Official / Inspector or his or her designee, shall issue no building permit until the contractor submits offsite improvement plans for the project, conforming to the city standards, specifications and requirements. Upon completion of the public improvements the "as built" drawings shall be supplied by the developer's design engineer to the city.

§ 156.027 EXTENSION AND REINSTATEMENT PROCEDURE

(A) Sixty days prior to or following the lapse of approval for a sketch plat, preliminary plat, or final plat as provided in these regulations, the property owner may petition the Planning Commission and the City Council to extend or reinstate the approval. Such petition shall be considered for recommendation at a public meeting of the Planning Commission and shall be considered at the City Council.

(B) In determining whether to grant such requests, the Planning Commission and the City Council shall take into account the reasons for the lapse, the ability of the property owner to comply with any conditions attached to the original approval and the extent to which newly adopted subdivision regulations shall apply to the plat. The Planning Commission and the City Council shall extend or reinstate the plat, or deny the request, in which instance the property owner must submit a new application for approval.

(C) The Planning Commission and the City Council may extend or reinstate the approval subject to additional conditions based upon newly enacted regulations or such as are necessary to assure compliance with the original conditions of approval. The Planning Commission and the City Council may also specify a shorter time for lapse of the extended or reinstated plat than is applicable to original approvals.

(D) The approval of a preliminary plat for a portion or phase of a sketch plat, or the approval of a final plat for a portion or phase of a preliminary plat, shall not automatically affect the expiration of approval of the sketch plat or preliminary plat as it pertains to the balance of the property. Extensions and reinstatement of a sketch plat, preliminary plat, or final plat may be approved under the provisions of this section.

§ 156.028 AMENDMENTS TO SKETCH PLAT OR PRELIMINARY PLAT

(A) At any time following the approval of a sketch plat or preliminary plat, and before the lapse of such approval, a property owner may request an amendment. The rerouting of streets, addition or deletion of alleys, or addition or deletion of more than 10% of the approved number of lots shall be considered a major amendment. The adjustment of street and alley alignments, lengths, and paving details; the addition or deletion of lots within 10% of the approved number and the adjustment of lot lines shall be considered minor amendments.

(B) *Approval.* The City Council shall approve, conditionally approve or disapprove after recommendation from the Planning Commission any proposed amendment and may make any modifications in the terms and conditions of preliminary plat approval reasonably related to the proposed amendment. This shall occur at a public meeting in accordance with the same requirements for the approval of a sketch plat or preliminary plat.

(C) *Retaining Previous Approval.* If the applicant is unwilling to accept the proposed amendment under the terms and conditions required by the Planning Commission and the City Council, the applicant may withdraw the proposed amendment.

PLATTING PROCEDURES

§ 156.040 GENERAL.

(A) Whenever any subdivision of land is proposed, before any contract is made for the sale of any part of the land, before any permit for the erection of a structure in such proposed subdivision shall be granted, the owner of the land shall apply for and secure a recommendation the Planning Commission and approval of the City Council of such proposed subdivision. The proposed subdivision may be processed a standard subdivision as follows:

- (1) Standard subdivision:
 - (a) Sketch plat;
 - (b) Preliminary plat (and construction plans for improvements);
 - (c) Final plat;
 - (d) Building permit; and
 - (e) Occupancy permit;
- (2) Re-Plat.

(B) Upon initial receipt of a subdivision proposal, the Community Development Director shall determine if the proposal shall be classified as a minor or major subdivision or a re-plat. The Community Development Director shall determine what information, drawings and procedure will be necessary for the submission of the subdivision to the Planning Commission as well as to the City Council in accordance with these regulations and the policies of the Planning Commission and of the City Council. The Community Development Director, shall consider in each case the nature of a proposed subdivision and the relationship of the proposal to surrounding land uses, topography, property shape, property size, adjacent ownership, public access and public facilities in order to determine the extent to which the platting process must be followed. The above determinations of the Community Development Director may be reviewed and revised by the Planning Commission, and then the City Council upon request of the subdivider.

§ 156.041 CLASSIFICATION OF SUBDIVISIONS AND ADDITION AS MINOR OR MAJOR.

(A) Before any land is platted, the property owner shall apply for and secure approval of the proposed subdivision plat or addition plat in accordance with the following procedures, unless otherwise provided by these regulations. Subdivisions are classified as major or minor depending on the number of lots proposed and the extent of public improvements required.

(1) Minor subdivisions shall create no more than four lots and do not require the creation of a new street or the extension of municipal facilities. Minor subdivisions may be approved for residential and non-residential properties. Conveyance plats may be approved under the procedure for minor subdivisions provided that they establish no more than four lots and do not create a new street or extend municipal facilities. Minor plat approval requires the submission of

a final plat as described under these regulations, or the submission of a conveyance plat as described under these regulations.

(2) Major subdivisions involve the creation of new streets, the extension of municipal facilities or the creation of more than four lots. Major subdivisions may be approved for residential and non-residential properties. Conveyance plats are considered major subdivisions if they create more than four lots or involve the creation of new streets or the extension of municipal facilities. The procedure for approving a major plat typically requires three steps: sketch plat, preliminary plat, and final plat. Sketch plats require recommendation of the Planning Commission and approval of the City Council. The sketch plat requirement may be omitted if the subdivision creates no more than one new street and the Community Development Director determines that sufficient information exist to begin preparation of a preliminary plat. A concept plan or preliminary site plan that contains sufficient information to provide for the proper coordination of the development may be required for non-residential property

Except as otherwise permitted, the preliminary plat shall have a recommendation from the Planning Commission and approval by City Council and the approval of a preliminary plat is required prior to the construction of public improvements to the property. The preliminary plat and the associated engineering plans for the property may be amended during construction, with only major changes requiring reapproval by the City Council after recommendation of the Planning Commission. Major changes shall include amendments to any infrastructure that is expected to be adopted by the City of Durant or will impact infrastructure that is already adopted by the City of Durant.

Upon completion of the required public improvements, or the provision of a subdivision improvement agreement described in these regulations, the owner may submit a corrected final plat for the subdivision. Lots may be sold and building permits obtained after recommendation of the Planning Commission and approval of the plat by the City Council, and filing of the signed plat.

§ 156.042 SKETCH PLAT.

(A) *Purpose.* The purpose of the sketch plat is to provide the subdivider, the Planning Commission and the governing bodies an opportunity to identify any problems concerning the land use, general design and overall approaches to installation of improvements before the expenditure of large amounts of money and manpower in the preparation of more detailed platting documents. This step in the overall subdivision process is very important because it is at the initial part of the process when decisions are to be made that can have great value from the fulfillment of the comprehensive plan; or, conversely decisions wrongly made at this point can be very damaging to the fulfillment of the comprehensive plan. It is important that all of the land to be included in the proposed subdivision shall be included in the sketch plat so that an overview of an entire area can be accomplished.

(B) Before preparing the sketch plat the subdivider should review these regulations and discuss with the Community Development Director the procedures for the adoption of a subdivision plat and the general requirements as to the layout of streets and for any reservations of land, street improvements, drainage, sewerage, water supply, fire protection, the availability of services and similar matters.

(C) *Applicability.* A sketch plat shall be required as a condition precedent to approval of any application for a major plat, except where the Community Development Director determines:

(1) The subdivision will result in no more than one new street and sufficient information exists to begin preparation of a preliminary plat, or

(2) A concept plan, preliminary site plan or final site plan for the property provides sufficient information for the preparation of a preliminary plat.

(D) *Phasing of Development.* The City Council after recommendation of the Planning Commission may permit a sketch plat for a major plat to be divided into two or more phases, as indicated on the sketch plat, provided each phase satisfies the requirements of this ordinance. In considering phasing of a sketch plat, the City Council may approve certain conditions as it deems necessary to assure the orderly development of the platted land. Such conditions may include but are not limited to temporary street and alley extensions, temporary cul-de-sacs, and off-site utility extensions.

(E) Application Procedure and Requirements:

(1) *Pre-application Conference.* Before preparing the sketch plat, the applicant is strongly encouraged to schedule an appointment and meet with the Community Development Director to discuss the procedures for approval of the plat and the requirements as to general layout of streets and or reservations of land, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services.

(2) *General Application Requirements.* Prior to platting of the land, the property owner shall file an application for approval of a sketch plat with the Community Development Department. The application and sketch plat shall meet the following minimum requirements:

(a) The application shall include all contiguous holdings of the property owner with an indication of the portion which is proposed to be developed or offered, sold or leased, accompanied by an affidavit of ownership, which includes an address and telephone number of an agent who shall be authorized to receive all notices required by these regulations.

(b) The study shall be drawn to scale of 1" = 200' or larger.

(c) The lower right hand corner of the sketch plat shall contain a title block clearly showing the proposed name of the subdivision or addition, the name and address of the Owner and the Engineer or Surveyor responsible for the designer survey, the scale of the drawing, the date the drawing was prepared, and the legal description of the tract.

(d) The sketch plat shall clearly show the limits of the tract and scale distances. True north shall be clearly indicated and shall be to the top or left of the study.

(e) The sketch plat shall show the names of adjacent subdivisions or additions or the name of record owners of adjoining parcels of unplatted land.

(f) The study shall contain the existing zoning on adjoining land, the location, width, and names of all existing or platted streets or other public ways within or adjacent to the tract, existing permanent buildings, railroad rights-of-way, utility and drainage easements, and topography with existing drainage channels or creeks, and other important features such as tree groupings, vegetation, political subdivisions or corporate limits and school district boundaries.

(g) The study shall show the layout, names and width of proposed thoroughfares, collector streets, and intersections, and shall show a general configuration of proposed streets and alleys.

(h) The study shall show a general arrangement of land uses, including but not limited to park and school sites, municipal facilities, private open space, floodplains and drainage ways, phasing plan, and proposed non-residential and residential uses and densities.

(i) The study shall show the location and style of streetlights within the subdivision.

(j) The study shall show the location and dimension of sidewalks throughout the subdivision.

(3) *Additional Requirements Prerequisite to Preliminary Plat Approval.* Except as permitted, prior to the submittal of a preliminary plat, the applicant shall submit for approval a sketch plat, at a scale of 1" = 100' or larger, depicting all information required and the following additional items:

(a) The layout, names, and width of proposed streets, alleys, and easements.

(b) Layout, numbers, and approximate dimensions of proposed lots and all building lines.

(c) The location of proposed screening walls and/or other forms of screening shall be clearly indicated.

(d) Existing contours of the tract in intervals of two feet or less, referred to sea level datum.

(e) Existing sewers, water mains, culverts, or other underground structures within the tract and immediately adjacent thereto with pipe sizes and locations included.

(f) Proposed water, sanitary sewer and storm sewer pipe lines with culverts, bridges, and other appurtenances or structures shown.

(g) Storm water retention or detention basins as required.

(h) Erosion mitigation of lots or roads next to creeks and drainage ways.

(i) General landscape information.

(4) *Standards for Approval.* No sketch plat shall be approved by the City Council for a plat which is intended for development unless it conforms to the Comprehensive Plan and the development ordinances of the city.

(5) *Approval Procedure.* After review of the sketch plat, the report and pertinent information as it relates to the plat and the exhibits submitted at a scheduled meeting, the Planning Commission shall recommend approval, conditional approval or disapproval the sketch plat. The sketch plat with the recommendation of the Planning Commission and the Community Development Director will be heard at a scheduled meeting of the City Council, who shall approve, conditionally approve or disapprove the sketch plat. One (1) copy of the proposed sketch plat shall be returned to the owner with the date of approval or disapproval and the reasons therefore accompanying the copy.

(6) *Effect of Approval.* Approval of the sketch plat in conformance to these procedures by the City Council constitutes authorization by the city for the property owner to submit application for approval of a preliminary plat subject to compliance with any conditions attached to approval of the sketch plat. The approval of any study or plat other than a preliminary plat does not certify the availability or capacity of infrastructure or that the property is suitable for development. The determination of infrastructure needs and capacity and the delineation of floodplain or other limitations on development will be done only during the review and approval of either a preliminary or final plat complete with required engineering plans and studies.

§ 156.043 PRELIMINARY PLAT.

(A) *Purpose.* The purpose of the preliminary plat is to provide an interim step in the procedure at which point the subdivider shall present drawings of the detail features of the subdivision. It is at this point that the items discussed at the sketch plat stage and as set down herein are prepared in a form from which determinations can be made as to the technical workability of the development proposal. If the subdivider is not required to go through the sketch plat process, the subdivider will be required to have a pre-application conference with city staff.

(B) After the City Council has approved the sketch plat, the subdivider may proceed with the preparation of the preliminary plat. After the subdivider has prepared the preliminary plat he or she may take either of the following actions:

(1) He or she may present the preliminary plat and preliminary plat checklist to the Planning Commission and the City Council and obtain approval thereof before proceeding with preparation of the improvement plans; or

(2) He or she may present the improvement plans and improvement plans checklist to the Planning Commission and the City Council at the time the preliminary plat and preliminary plat checklist are presented.

(C) Whenever the subdivider presents to the Planning Commission and City Council a preliminary plat and preliminary plat checklist, without improvement plans, the City Council may conditionally approve the preliminary plat, subject to City Council approval of the improvement plans within six months following the preliminary plat conditional approval.

(D) After review of the preliminary plat, the Planning Commission shall give a recommendation and the City Council shall, within 60 days of its submission, approve, conditionally approve or reject the plat. The subdivider shall be notified in writing of this action, together with any conditions of approval or the reasons for rejection.

(E) Whenever the subdivider presents to the Planning Commission and the City Council the preliminary plat, preliminary plat checklist, improvement plans and improvement plans checklist and the Planning Commission and the City Council finds that the plat and improvement plans meet all the requirements of these regulations, it shall approve the preliminary plat and improvement plans by placing a certificate of approval upon each copy of the plat and plans. Such certificate of approval shall bear the signature of the Chairperson and Secretary of the Planning Commission and Mayor of the City Council and shall provide that the approval given thereby does not constitute approval for purposes of recording.

(F) Approval of the preliminary plat shall not in all cases entitle the subdivider to approval of the final plat. Upon preliminary approval, if any conditions arise which would cause the preliminary plat to become unsatisfactory due to health, safety or welfare of the community, the Planning Commission shall recommend that the final plat be rejected.

(G) *Application Procedure and Requirements.* On forms approved by the city, the applicant shall file for approval of a preliminary plat, which conforms substantially with the sketch plat (if required) or alternate plan submitted by the applicant. The plat shall be prepared by or under the supervision of a registered public surveyor in the State of Oklahoma and shall bear his seal, signature and date on each sheet. The payment of all applicable fees shall be required at the time of submission.

- (1) *General Application Requirement.* Copies of the proposed preliminary plat shall be at a scale of 1" = 100' or larger and in a form substantially as follows:
- (a) The boundary lines with accurate distances and bearings and the exact location and width of all existing or recorded streets intersecting or abutting the boundary of the tract.
 - (b) True bearings and distances to the nearest established street lines and monuments, which shall be accurately described on the plat.
 - (c) Specific landscape plan.
 - (d) The exact layout including:
 - (i) *Proposed street names* - Street names must be submitted to the Community Development Department for approval in accordance with the city's guidelines for the naming of streets. The Community Development Department will maintain an index of street names which will contain these guidelines. Street names and subdivision names are fixed at the time of approval of the preliminary plat. A fee, as set by the City Council by motion or resolution, will be charged to change street names and subdivision names after approval of the preliminary plat.
 - (ii) The length of all arcs, radii, internal angles, points of curvature, length, and bearings of the tangents.
 - (iii) All easements for rights-of-way provided for public services or utilities and any limitations of the easements.
 - (iv) All lot numbers and lines with accurate dimensions in feet and hundredths of feet and with bearings and angles to street and alley lines.
 - (v) The location of the centerline of creeks or drainage ways should be tied with accurate dimensions in feet and hundredths of feet with bearings and angles. No unplatted remainder will be allowed between property boundaries and centerlines of creeks.
 - (e) The accurate location, material, and size of all monuments approved by the City Engineer. Horizontal and vertical control data shall be established for a minimum of two (2) corners of the subdivision or addition. One-inch iron rods shall be set at all block corners, angle points, points of corners, and points of tangents. One-half inch iron rods shall be set at all other lot corners.
 - (f) The accurate outline of all property which is offered for dedication for public use with the purpose indicated thereon, and of all property that may be reserved by deed covenant for the common use of the property owners in the subdivision or addition.
 - (g) Building setback lines.
 - (h) Location of streetlights
 - (i) Location, dimension and construction drawings for sidewalks throughout the subdivision
 - (j) Special restrictions including, but not limited to, drainage and floodway, fire lanes, and screening.
 - (k) Proposed name of the subdivision or addition. The name shall not duplicate, be the same in spelling or alike in pronunciation with any other recorded subdivision.

- (l) Names of adjacent subdivisions or additions or the name of record owners of adjoining parcels of unplatted land.
 - (m) Name and address of the property owner, the owner's Surveyor, and the owner's Engineer.
 - (n) North point, scale, and date.
 - (o) Legal description according to the real estate records maintained by the County Clerk's office and area calculations.
 - (p) Location by section, town, range, township, county and state.
 - (q) Additional documents necessary for dedication or conveyance of easements or rights-of-way, as required by the city. The city may, in some instances, require the conveyance of fee simple title for certain rights-of-way.
 - (r) Entry easements to allow city inspectors to enter the property being platted for the purpose of inspecting the construction of the public improvements.
 - (s) Important features such as existing permanent buildings;
 - (1) Large trees and water courses;
 - (2) Parks and other public lands;
 - (3) railway lines *or easements*;
 - (4) Existing public easements;
 - (5) Oil and gas lines or wells as shown on the records of the Oklahoma Corporation Commission (including abandoned or gas or oil wells and dry holes which remain unplugged),
 - (6) Existing utilities including sewer, water mains, culverts and other underground structures within the tract or immediately adjacent thereto, showing pipe sizes and grades indicates;
 - (7) Contours at intervals of 2 feet which are referenced to USGS data; and
 - (8) Any other relevant feature necessary for a full and complete understanding of the proposed subdivision.
 - (t) Title of document and a vicinity sketch drawn to a scale of a maximum of 2,000 feet to the inch.
 - (u) Copies of any private restrictions to be included in the deeds shall be attached to the preliminary plat.
 - (v) Regulatory flood boundaries, and the ten (10) year flood boundaries.
-
- (2) Other Required Documents and Information to Be Filed With Preliminary Plat.
 - (a) Proposed covenants and deed restrictions, if any.
 - (b) Source of water supply.
 - (c) Provisions for sewage disposal.
 - (d) Construction Plans

(3) *Standards for Approval.* No preliminary plat shall be approved by the City Council unless the following standards have been met:

(a) The plat substantially conforms with the approved sketch plat or other study as provided in these regulations.

(b) The construction plans have been reviewed by the City Engineer.

(c) Provision for installation and dedication of public improvements has been made.

(d) The plat conforms to applicable zoning and other regulations.

(e) The plat meets all other requirements of these regulations.

(4) *Timing of Public Improvements:*

(a) The City Council may require that all public improvements be installed, offered for dedication, and ready for acceptance by the city prior to the signing of the final plat.

The City Council may permit or require the deferral of the construction of public improvements if in its judgment, deferring the construction would not result in any harm to the public, or offer significant advantage in coordinating the site's development with adjacent properties and off-site public improvements. Any required public improvement(s) approved for deferred construction must be provided for as required prior to the approval of the final plat.

(b) If the City Council does not require that all public improvements be installed, offered for dedication and accepted by the city prior to signing of the final plat, it shall require that the applicant execute an improvement agreement and provide security for the agreement as provided in these regulations.

(c) This procedure shall also apply to the approval of a final plat if the preliminary plat is omitted.

(5) *Approval Procedure.* After review of the preliminary plat, the report and pertinent information for the Community Development Director concerning the land study and the application, the report and recommendation of the City Engineer on the construction plans, and any exhibits submitted at a public meeting, the applicant shall be advised of any required changes and/or additions. The Planning Commission shall make a recommendation and the City Council shall approve or disapprove the preliminary plat. One (1) copy of the proposed preliminary plat shall be returned to the owner with the date of approval, conditional approval or disapproval and the reasons therefore accompanying the plat.

(6) *Effect of Approval* - Approval of a preliminary plat by the City Council constitutes authorization for the City Engineer to release construction plans subject to his final approval and for the City Engineer to authorize for the property owner to commence grading of the site and construction of such public improvements as are required by the Planning Commission and the City Council. Approval of a preliminary plat also authorizes the property owner, upon fulfillment of all requirements and conditions of approval, to submit for approval an application for final plat approval. Upon release of the construction plans, the City Engineer may, upon request of the applicant, issue a certificate indicating the construction plans have been released and construction of the improvement is thereafter authorized. Additional certificates may be issued by the City Engineer authorizing the construction of private utilities on a phased schedule. The certificate shall read as follows:

"The preliminary plat for (insert name of the subdivision or addition) as approved by the City of Durant City Council on (insert date of approval) is authorized for use with engineering plans for the construction of public improvements as approved by the City Engineer. A final plat shall be approved by the City Council and have a recommendation from the Planning Commission upon the completion of all public improvements or the provision of a subdivision improvement agreement under the terms of the Subdivision Ordinance and submission of a final plat in compliance with the Subdivision Ordinance of the City of Durant.

Zoning regulations that affect exterior appearance of a single-family house or the landscaping of a single-family lot and that are adopted after approval of a preliminary plat for a single-family residential development, shall not apply for a period of two years from the latter of the date of plat approval or the date of the acceptance of public improvements related to the plat."

(7) *Lapse of Preliminary Plat Approval.* The approval of a preliminary plat shall be effective for a period of two (2) years from the date that the preliminary plat is approved by the City Council, at the end of which time the applicant must have submitted and received approval for a final plat. If a final plat is not submitted and approved within two (2) years, or an extension is not granted in accordance with these regulations, the preliminary plat approval shall be null and void, and the applicant shall be required to submit a sketch plat for review subject to the then existing zoning restrictions and subdivision regulations.

(H) Construction Plan Procedure and Requirements:

(1) *General Application Requirement.* Construction plans shall be prepared by or under the supervision of a professional engineer or architect registered in the State of Oklahoma as required by state law governing such professions. Plans submitted for review by the city shall be dated and bear the responsible engineer's or architect's name, serial number and the designation of "engineer," "professional engineer," or "P.E." or "architect" and an appropriate stamp or statement near the engineer's or architect's identification, stating that the documents are for preliminary review and are not intended for construction. Final plans acceptable to the city shall bear the seal and signature of the engineer or architect and the date signed on all sheets of the plans. Public works construction in streets, alleys or easements which will be maintained by the city shall be designed by a professional engineer registered in the State of Oklahoma.

(2) *Construction Plan Review Procedure.* Copies of the construction plans, and the required number of copies of the plat shall be submitted to the City Engineer for final approval. The plans shall contain all necessary information for construction of the project, including screening walls and other special features. All materials specified shall conform to the design standards of the city. Each sheet of the plans shall contain a title block including space for the notation of revisions. This space is to be completed with each revision to the plan sheet and shall clearly note the nature of the revision and the date the revision was made. The City Engineer will release the plans for construction, after recommendation of the preliminary plat by the Planning Commission and approval by the City Council and payment of all inspection fees. Upon such release, each Contractor shall maintain one set of plans, stamped with city release, on the project at all times during construction. This procedure shall also apply to approval of a final plat, if a preliminary plat is omitted.

(3) *Failure to Commence Construction.* If construction has not commenced within one (1) year after approval of the plans, resubmittal of plans may be required by the City Engineer for

meeting current standards and engineering requirements. "Construction" shall mean installation of city maintained public improvements.

§ 156.044 FINAL PLAT.

(A) *Purpose.* The purpose of the final plat is to create a record document which accurately describes the subdivided land, both as to accurate dimensions, and as to legal provisions which are pertinent to the subdivision. Much of the reason for this step is to make the transfer of the land simpler and certain. Land sales by reference to a legally filed plat are generally less complicated and more likely to provide the precise legal situation sought. The certainty of such sales derives from the assurance of an accurate survey and processes designed to assure the provision of facilities necessary to service the land.

(B) At the time the final plat and final plat checklist are submitted to the Community Development Department, the subdivider shall take one of the following courses of action:

(1) If the subdivider elects to, deposit the surety bond as specified in § 156.026, he or she shall submit plans for all improvements required under this chapter, such plans to bear the recommendation of the Planning Commission and approval of the City Council. Upon completion of a portion of the construction of the required improvements, the City Council may release a portion of the surety bond in the amount of the costs of the constructed improvements, as estimated by the City Council, Planning Commission, Secretary or municipal staff. Before any portion of the surety bond may be released, the City Engineer, City Building Inspector or City Manager shall approve the as-built plans and specifications for that portion of the improvements for which the subdivider has requested release of the surety bond;

(2) If the subdivider elects to complete all improvements as specified in the preliminary plat, he or she shall submit the as-built specifications and as-built original tracings of all improvements. If the Community Development Director or his or her designee finds that the as-built plan and specifications comply with requirements, and that the actual construction is as shown in the plans and specifications, he or she shall endorse his or her approval thereon.

(C) All actions of the Planning Commission, whether recommending approval of final plats for all or part of an area shown in a preliminary plat shall, in so far as the plat involves dedications to the public, constitute only an authorization for the subdivider to submit the plat to the City Council to which the dedications are proposed. Such Planning Commission actions shall not constitute an acceptance of dedication or a commitment to accept dedication.

(C) *Applicability.* A final plat shall be required for subdivisions of property and the recording of single lots in accordance with these regulations.

(D) *Application Procedure and Requirements.* A final plat for a subdivision shall require recommendation by the Planning Commission and approval of the City Council. Final plats shall comply to the preliminary plat where applicable. The application shall be accompanied by the following:

(1) Four (4) paper copies and a digital copy of the proposed final plat bearing all information specified in these regulations and the following:

(a) The final plat shall be clearly and legibly prepared by a Surveyor or Engineer. The size of the map shall not be less than 22 inches by 34 inches and shall be drawn to the scale of one inch

equals 100 feet, unless the Community Development Director authorizes a different scale in writing.

(b) *Notice Statement.* "Notice: Selling a portion of this addition by metes and bounds is a violation of city ordinance and state law and is subject to fines and withholding of utilities and building permits."

(c) Name of subdivision and the name and number of any larger subdivision of which this tract now subdivided was once a part.

(d) Number of lots and the acreage platted

(e) *Boundary Lines.* The boundary lines with accurate distances and bearings and the exact location and width of all existing or recorded streets intersecting the boundary of the tract.

(f) *Bearing Distances.* True bearings and distances to the nearest established street lines and monuments, which shall be accurately described on the plat

(g) *Property Offered For Dedication.* The accurate outline of all property which is offered for dedication for public use, and of all property that may be reserved by covenant in the deeds for the common use for the common use of the property owners in the subdivisions, with the purpose indicated thereon.

(h) The exact layout including:

(i) Street and alley lines, including their names, bearings, angles of intersection and widths (including widths along the line of any intersecting street):

(ii) The length of all arcs, radii, internal angles, points of curvature, length, and bearings of the tangents.

(iii) All easements for rights-of-way provided for public services or utilities and any limitations of the easements.

(iv) All lot numbers and lines with accurate dimensions in feet and hundredths of feet and with bearings and angles to street and alley lines.

(v) The location of the centerline of creeks or drainage ways with accurate dimensions in feet and hundredths of feet with bearings and angles.

(i) The accurate location, material, and size of all monuments approved by the City Engineer.

(k) Building setback lines for all properties within the platted area.

(k) Special restrictions including, but not limited to, drainage and floodway, fire lanes, and screening.

(l) In case the subdivision is traversed by water course, channel, stream, or creek, the prior or present location of such water course, channel, stream, or creek shall be shown on the plat and the boundary of the regulatory flood and the ten (10) year flood. It will be assumed that there is no significant difference between the two (2) and the regulatory flood will be used, unless the owner shows the ten (10) year flood on the map.

(m) North point, scale, and date.

- (n) Legal description according to the real estate records maintained by the County Clerk's office and area calculations.
- (o) Names of adjacent subdivisions or additions or the name of record owners of adjoining parcels of unplatted land.
- (p) Location by section, town, range, township, county and state.
- (q) Title of document and a vicinity sketch drawn to a scale of a maximum of 2,000 feet to the inch.
- (2) Formal irrevocable offers of dedication to the public of all streets, local government uses, utilities, parks, and easements, in a form approved by the City Attorney. The plat shall be marked with a notation indicating the formal offers of dedication.
- (3) The improvement agreement and security, if required, in a form satisfactory to the City Attorney and in an amount established by the City Council upon recommendation of the City Engineer and shall include a provision that the property owner shall comply with all the terms of the final plat approval as determined by the City Council.
- (4) As-built construction plans, where applicable.
- (5) Covenants and deed restrictions, if any.
- (5) Accurate legal description.
- (6) Certification by a Registered Public Surveyor to the effect that the plat represents a survey made by him and that all the monuments shown thereon actually exist, and that their location, size, and material description are correctly shown, and that the survey correctly shows the location of all visible easements and rights-of-way and all rights-of-way, easements and other matters of record affecting the property being platted.
- (7) The County Clerk's Office and applicable state statutes may require additional information to be submitted or included on the final plat
- (E) *Standards for Approval.* No final plat shall be approved by the Planning Commission or the City Council unless the following standards have been met:
 - (1) The plat substantially conforms to the preliminary plat.
 - (2) Required public improvements have been constructed and are ready to be accepted, and/or an improvement agreement has been accepted by the city providing for the subsequent completion of improvements.
 - (3) The plat conforms to applicable zoning and other regulations.
 - (4) Provision has been made for adequate public facilities under the terms of this ordinance.
 - (5) The plat meets all other requirements of this ordinance.
- (F) *Approval Procedure.* After review of the final plat, the Community Development Director shall place the final plat for consideration on the agenda of a public meeting of the Planning Commission and City Council. One copy of the final subdivision plat shall be returned to the applicant with the date of approval, conditional approval or disapproval noted on the final plat, and, if the final plat is disapproved, the reasons for disapproval accompanying the final plat.

(G) *Certificate of Compliance.* Upon final approval of a final plat required by these regulations, the Planning Commission and the City Council shall issue to the person applying for approval a certificate stating that the final plat has been recommended for approval by the Planning Commission and approved by the City Council. For purposes of this section, final approval shall not occur until all conditions of approval have been met.

(I) *Signing and Recording of Final Plat.*

(1) When an improvement agreement and security are required, the Chairman of the Planning Commission and the Mayor shall endorse approval on the final plat after the agreement and security have been recommended for approval by the Planning Commission and approved by the City Council and all the conditions pertaining to the final plat have been satisfied.

(2) When installation of public improvements is required prior to recordation of the final plat, the Chairman of the Planning Commission and the Mayor shall endorse approval on the final plat after all conditions of approval have been satisfied and all public improvements satisfactorily completed. There shall be written evidence that the required public improvements have been installed in a manner satisfactory to the city as shown by a certificate signed by the City Engineer stating that the necessary dedication of public lands and installation of public improvements has been accomplished.

(3) It shall be the responsibility of the applicant to file the final plat with the County Clerk. Simultaneously with the filing of the final plat, the applicant shall record such other agreements of dedication and legal documents as shall be required to be recorded by the City Attorney. The final plat, bearing all required signatures, shall be recorded after final approval and within ten working days of its receipt. One (1) copy of the recorded final plat shall be returned to the City prior to the issuance of any building permits.

(J) *Effect of Approval.* Approval of a final plat shall certify compliance with the regulations of the City of Durant pertaining to the subdivision of land. An approved and signed final plat may be filed with the County as a record of the subdivision of land and may be used to reference lots and interests in property thereon defined for the purpose of conveyance and development as allowed by these regulations.

(K) *Lapse of Final Plat Approval.* The approval of a final plat shall be effective for a period of six (6) months from the date that the final plat is recommended for approval by the Planning Commission and approved by the City Council, at the end of which time the applicant must have met the requirements for recording of the final plat with the County Clerk. If the applicant has not met the requirements for recording of the final plat with the County Clerk within six (6) months, or an extension is not granted in accordance with these regulations, the final plat approval shall be null and void, and the applicant shall be required to submit a new plat for review subject to the then existing zoning restrictions and subdivision regulations. No Certificate of Occupancy or Change of Occupancy permit will be allowed for the property until the applicant has met the requirements for filing of the final plat with the County Clerk.

§ 156.046 DEVELOPMENT PLAT

(A) This section applies to the platting and development of any single parcel greater than five acres or the subdivision and development of any property into parts, each part being greater than five acres. The term "development" means the new construction or the enlargement of any

exterior dimension of any building, structure, or improvement. The term "improvement" shall include the construction of a utility, road, parking, or drainage system. The term shall also apply to the grading of land or clearance of trees, except as may be permitted for valid agricultural use of the property.

(B) A development plat must be prepared by a registered professional land surveyor as a boundary survey showing:

(1) Each existing or proposed building, structure or improvement or proposed modification of the external configuration of the building, structure or improvement;

(2) Each easement and right-of-way within or abutting the boundary of the surveyed property; and

(3) The dimensions of each street, sidewalk, alley, square, park, or other part of property intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, sidewalk, alley, square, park, or other part; and

(4) Any additional information as required by this ordinance to apply for the approval of a plat

(C) The requirements and standards for design, reservation, construction, completion, maintenance, cost participation and escrow for public improvements applying to the approval of a plat shall also apply to a development plat.

(D) Development plats shall be processed under the same procedures and are subject to the same fees as apply to a plat. The procedures for a minor subdivision may be used when applicable.

(E) A development plat shall be approved if it conforms to the following standards:

(1) The general plans, rules, and ordinances of the city concerning its current and future streets, sidewalks, alleys, parks, playgrounds, and public utility facilities; and

(2) The general plans, rules, and ordinances for the extension of the city or the extension, improvement, or widening of its roads, streets, and public highways within the municipality.

(F) New development may not begin on the property until the development plat is filed with and approved by the city. Approved development plats and other agreements of dedication and legal documents as required shall be recorded with the County Clerk by the applicant.

§ 156.048 REPLATTING OF LAND

(A) *Replat Required.* Unless otherwise expressly provided for herein, a property owner who proposes to replat any portion of an already approved final plat, other than to amend or vacate the plat, must first obtain approval for the replat under the same standards and by the same procedures prescribed for the platting of land by these regulations. The Community Development Director may waive or modify requirements for a sketch plat under circumstances where the previously approved sketch plat is sufficient to achieve the purposes set forth in these regulations. Replats shall include all of the same information as previously described platting procedures.

(B) *Replatting Without Vacating Preceding Plat.* A replat of a final plat or portion of a final plat may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:

- (1) Is signed and acknowledged by only the owners of the property being replatted;
- (2) Is approved, after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard, by the Planning Commission and City Council; and
- (3) Does not attempt to amend or remove any covenants or restrictions previously incorporated in the final plat.

(C) Additional Requirements for Certain Replats.

(1) A notice of the public hearing shall be published in an official paper or a newspaper of general circulation in the city at least 15 days prior to the date of the public hearing. Notice shall be mailed to all owners of property located within 300 feet of the subject property as provided by a certified abstractor's list at the applicant's cost at least 20 days prior to the hearing;

(2) If the proposed replat requires a variance, and the owners of 20 percent or more of the area of lots to whom notice is required to be given under Subsection (b) file with the Planning Commission and City Council a written protest of the replatting before or at the hearing, approval of the replat will require the affirmative vote of four of the City Council members. In computing percentages of ownership, each lot is considered equal to all other lots regardless of size or number of owners, and the owners of each lot are entitled to cast only one vote per lot. The area of streets and alleys shall be included in computing the percentage of land area.

(3) Any replat which adds or deletes lots must include the original lot boundaries.

§ 156.999 PENALTY.

(A) Except as provided in these regulations and lots of record established prior to the effective date of this ordinance, no building permit shall be issued for any new structure or change, improvement or alteration of any existing structure on any tract of land which does not comply with all of the provisions of this chapter.

(B) Except as provided in these regulations and lots of record established prior to the effective date of this ordinance, the city shall withhold all public improvements and utilities, including the maintenance of streets and the provision of sewage facilities and water service, from all tracts, lots or additions, the platting of which has not been officially approved by the City Council and for which a certificate of compliance has not been issued pursuant to these regulations.

(B) A violation of this chapter shall be deemed an offense and shall be punishable as provided in § 10.99 and in accordance with applicable state law. Any person, partnership or corporation violating any of the provisions of this chapter upon conviction thereof shall be punished as provided in § 10.99.

(C) The city may issue citations to suspected violators of this chapter, which citations shall state the violation that is alleged, the time of the observation of the offense, any correction of the violation which is sought, the time allowable for the accomplishment of the correction and the further action which will be taken to seek remedy should correction not be accomplished. The issuance of such citations does not preclude the filing of charges in district court, nor shall the

issuance of such citations be a mandatory process precedent to the filing of charges in district court.

DESIGN STANDARDS NEIGHBORHOOD FEATURES

§ 156.060 COMMUNITY GENERAL.

(A) The quality of the design of the community, both in the urban area and on the fringes of the urban development, is dependent on the quality of design of the individual subdivisions in the area. Good community design can be accomplished by following a few principles. These better approaches to the layout of new areas. The violation of some of the basic rules concerning design of streets, ditches and other features can lead to such unpleasant situations as: streets that deteriorate and are expensive to maintain, street intersections that are dangerous, drainage ditches that clog up and cause flooding, building lots that are difficult or expensive to construct upon or difficulties with erosion during the time of development and even throughout the life of the homes.

(B) The figures which follow show some of the better ways of creating a subdivision. The use of good design and holding to these methods of development can provide for the least expense in the building of a subdivision. This is especially true considering the costs that come to the purchasers of property that has been improperly developed and the fact that there is no cheaper time to solve development problems than before houses are built and lots are sold.

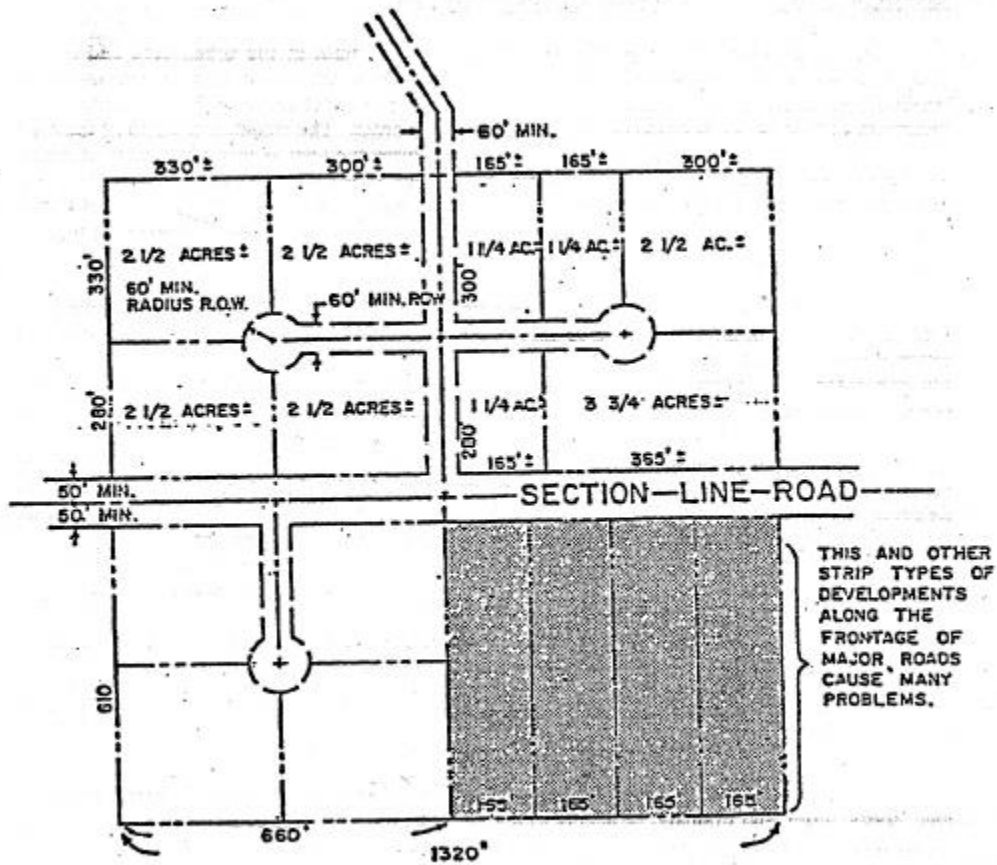
(C) Figure 1 shows some of the patterns of streets and lots that might be possible in the development of areas in large, rural estates type lots. In the shaded area is shown an all too frequent approach to the creating of lots in rural settings. There are a number of problems from the arrangement of lots in a road frontage strip as in the shaded area, such as:

- (1) Long narrow parcels which are of reduced usefulness to the buyer;
- (2) Increased numbers of driveways intersecting the section line road (this is a major problem to the county as it tries to keep ditches and culverts clean and working);
- (3) The narrower lots result in closer spacing of houses with less privacy and greater possibility of failure in the operation of individual sewer systems; and
- (4) (a) The frontage of each house upon a section line road means greater exposure to the dust, traffic, litter and drainage problems which occur along the major roads (also there is a loss of privacy and the danger that the road may have to be widened at some time in the future taking part of the front lawn).
- (b) On the other hand, some of the other styles of lot arrangements shown can provide lots of much more usable shape, more privacy, safer traffic, more workable utility layout, better spacing of buildings and the like.

(D) The majority of land developed in the manner shown in Figure 1 is expected to be in the jurisdiction of the regional planning commission outside the incorporated area of the city.

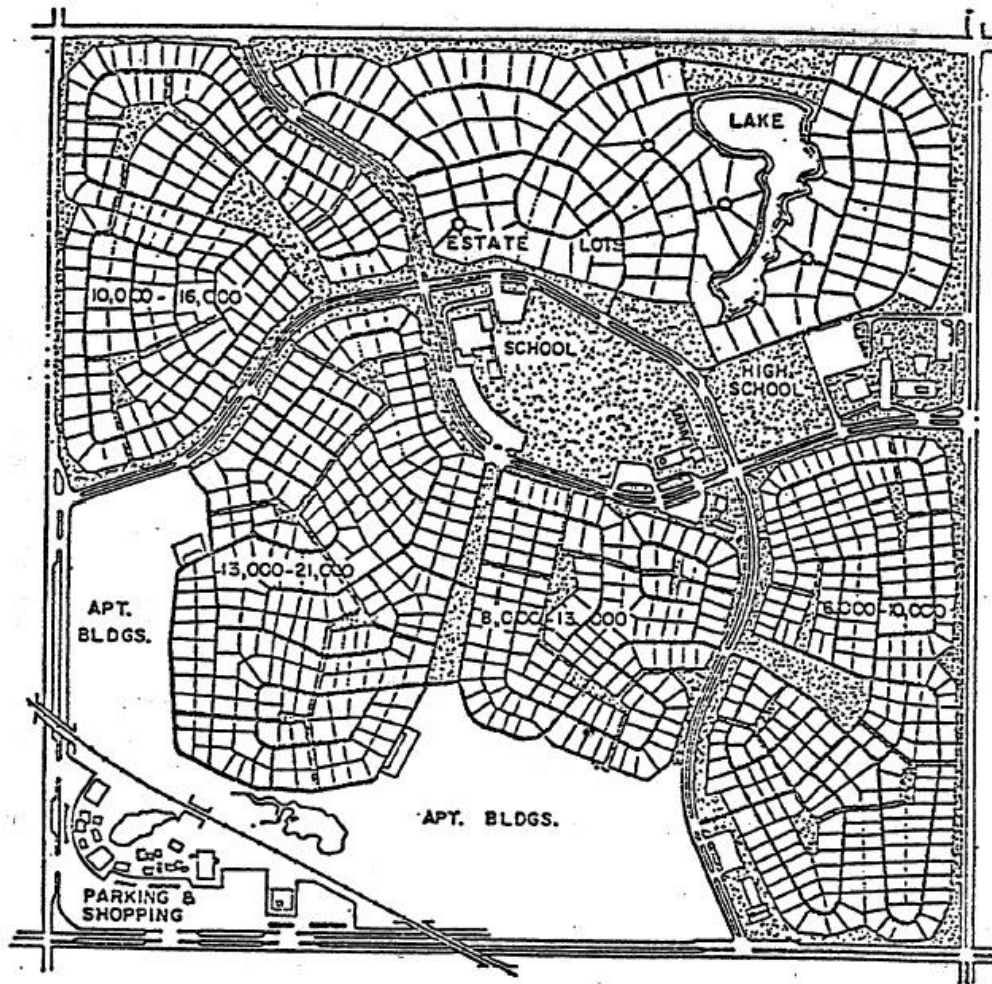
(E) These are not all of the possibilities for laying out a large lot development. In fact, a development usually turns out better if it is worked out to fit the shape of the particular piece of land considering the streams, hills and the like. However, from this figure it can be seen that almost any other arrangement is better than a strip of long, narrow lots along the frontage of a major road.

FIGURE 1
RURAL PLATTING PATTERNS



- Notes:
1. Property dimensions in many cases are shown as less the right-of-way dimension. This reflects the improvement of the street or road and dedication of it to the public.
 2. Covenants should provide for access to lots to be only from side roads.

FIGURE 2
AN EXAMPLE OF GOOD SUBDIVISION DESIGN



Notes: 1. Minor streets should be designed to provide access in a manner to discourage use by through traffic.

2. Collector streets should be designed to provide a direct route from minor streets to major streets.

3. Ingress and egress to residential properties should be provided only on minor streets.

4. Pedestrian ways should be separated from roadways.

5. The urban area shall be designed as a group of integrated residential neighborhoods with appropriate industrial, commercial and public facilities.

6. Lots, blocks and street systems should be designed for the most advantageous use of topography and natural physical features.

('93 Code, § 12-431) (Ord. 1041, passed 4-12-83)

§ 156.061 SIDEWALKS.

- (A) For purposes of this section, the terms “arterial streets”, “secondary thoroughfares”, “commercial streets”, “collector streets”, residential streets” shall be defined as indicated in the streets master plan.
- (B) Sidewalks no less than four feet in width shall be constructed along properties abutting residential streets, and no less than five feet in width along properties abutting collector streets, commercial streets, secondary thoroughfares, and arterial streets.
- (C) Sidewalks shall be constructed within dedicated streets rights-of-way along streets improved to city standards. On unimproved streets, covenants deferring sidewalk construction until street is improved according to city standards shall be required.
- (D) Within residential developments, required sidewalks shall be located adjacent to or within one foot of the property line. Within non-residential developments, the placement of required sidewalks shall be at the discretion of the City Council.
- (E) Sidewalks shall be laid out, graded and otherwise improved as specified in standards and specifications adopted by the City Council.
- (F) All sidewalks shall be incorporated into the street improvements construction plans required to be submitted by the developer for plat approval.
- (G) Sidewalks and walkways shall be completed at the time the streets are installed.
- (H) In order to facilitate access from streets to schools, parks, playgrounds, shopping centers, transportation facilities or other community facilities, the City Council may require pedestrian access ways or crosswalks not less than five feet wide to be located within perpetual unobstructed easements at least 20 feet in width. The easements shall be indicated on the plat.
- (I) No dwelling unit or business establishment that is required to install sidewalks shall be occupied until the required sidewalk construction is completed, inspected and accepted by the city.

§ 156.062 STREET LIGHTS.

- (A) Required new street lighting shall be installed by a franchised vendor, electric utility or the developer. The street lighting should be shown on preliminary and final plats. The primary objective for street lighting is for security and intersection identification.
- (B) Street lighting shall be chronologically integrated with a development and shall be installed prior to acceptance of public infrastructure by the City of Durant.
- (C) Should an easement be required to access power facilities, the easement should not be less than five (5) feet
- (D) The location of the street light shall be as follows and shall serve as the minimum lighting schedule:
 - a. One street light at each street or alley intersection
 - b. One street light at each end of each cul-de-sac or other permanently dead ended street
 - c. One street light at the approximate midpoint of curvilinear streets that prohibit visual contact between intersections

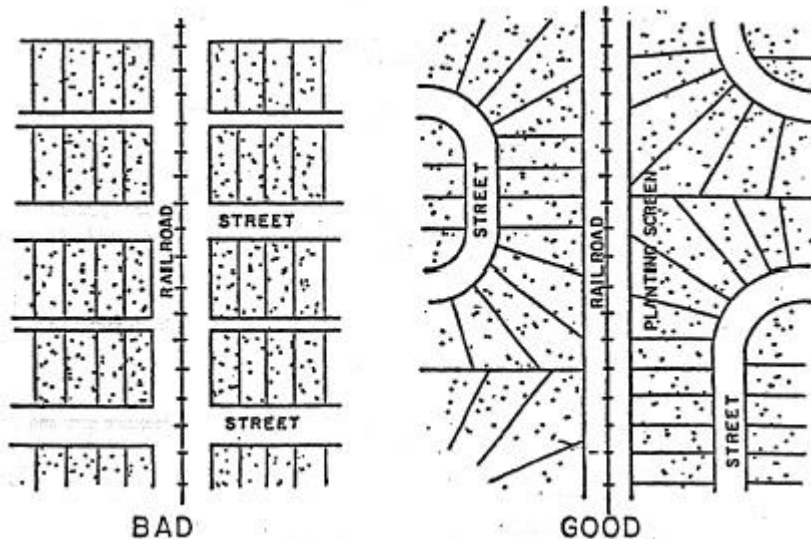
- d. One street light located midway between intersections that are spaced over 600' or more apart
- (E) The developer may choose to install lighting in addition to the minimum schedule set forth herein. If lighting is installed in addition to that maintained by the franchised vendor or electric utility, the developer shall ensure that a legal entity such as a homeowners association or equivalent is established and that the entity is assigned the obligation of maintaining the additional lighting in perpetuity.

§ 156.063 STREETS.

The arrangement, character, extent, width, grade and location of all streets shall conform to all of the elements of the general plan and shall be designed in accordance with the following provisions:

- (A) Major streets shall be planned to conform with the major streets shown in the comprehensive plan;
- (B) Whenever a subdivision abuts or contains an existing or proposed major street, the City Council may require service streets, reverse frontage with screen planting contained in a no access reservation along the rear property line, deep lots or such other treatment as may be necessary for adequate protection of residential properties and to afford separation from traffic;
- (C) Where a subdivision borders on or contains a railroad right-of-way of limited access highway right-of-way, the City Council may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land. The following sketch illustrates both suitable and unsuitable ways of laying out developments bordering major right-of-way.

STREET LAYOUT ADJOINING LIMITED ACCESS RIGHT-OF-WAY FACILITIES



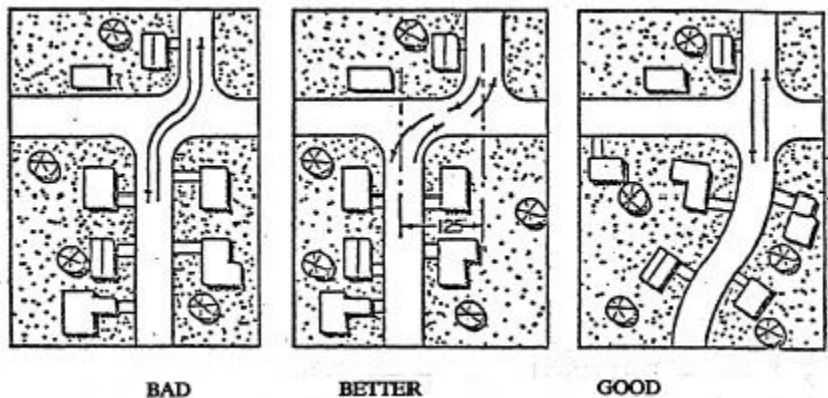
- (D) Reserve strips controlling access to streets shall be prohibited except where their control is placed in the city under conditions approved by the City Council and acceptable to the subdivider;

(E) Where the plat to be submitted includes the only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the unsubdivided portion may be required by the City Council;

(F) Where a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be arranged to permit the logical location and opening of future streets and appropriate resubdivision with provision for adequate utility easements; and

(G) Street jogs with centerline offsets of less than 125 feet shall be avoided.

STREET JOGS LESS THAN 125 FEET SHALL BE AVOIDED



(H) Street right-of-way widths shall be in accordance with the Comprehensive Plan and, where not designated therein, shall be not less than the following:

Street Type	R.O.W. Width
Arterial streets	85 feet
Secondary thoroughfares	80 feet
Commercial streets	80 feet
Collector streets	60 feet
Residential streets	60 feet

(I) The paved width of all streets shall be adequate to serve the existing and future estimated traffic load for the facility. Lane width for all streets shall be as follows:

(1) All major streets shall have lanes for traffic movement of not less than 11 feet or more than 12 feet in width, and lanes for parallel parking or emergency stopping of not less than 10 feet in width; and

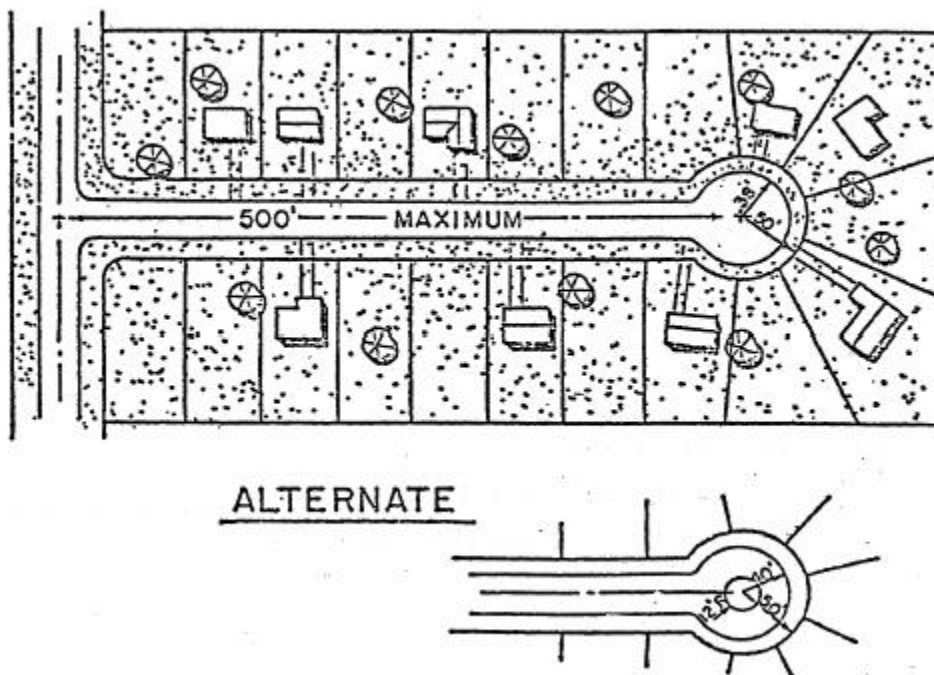
(2) All minor streets shall have lanes for traffic movement of not less than 9 feet or more than 12 feet in width and lanes for parallel parking of not less than 8 feet in width. Streets should be developed in accordance with the general standards given in the code of the city.

(J) (1) A cul-de-sac should not exceed 500 feet in length, measured from the entrance to the center of the turnaround unless a dedicated secondary emergency sealed-surface accessible ingress and egress is provided to the primary roadway to a point within 500 feet of the center of

the turnaround radius. The ingress and egress shall be, at a minimum, in the form of a 20- foot wide dedicated public easement that is graded, compacted, sealed-surface, and otherwise constructed to the city's specifications.

(2) If the cul-de-sac is longer than 150 feet then a turnaround radius of not less than 65 feet at the property line and 50 feet at the curb line shall be provided. If there is provided in the center of the turnaround an unpaved island, it shall be improved with landscaping that will not interfere with sight distance. The unpaved island shall have a radius of not less than 6 feet and the radius from the curb line of the island to the turnaround outside curb shall be 30 feet with the easement extending an additional 15 feet beyond the outer curb line.

CUL-DE-SAC

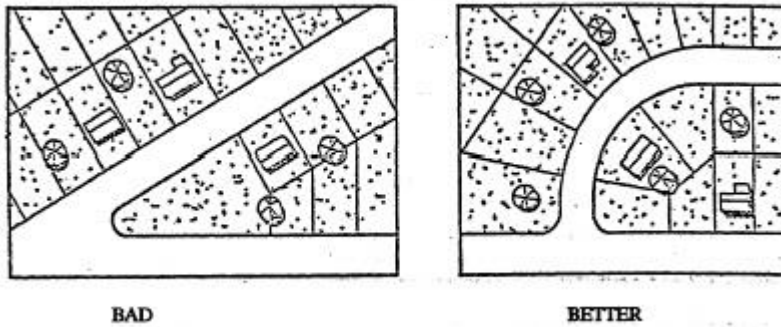


(K) Half streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, provided that the City Council finds it will be practical to obtain the dedication of the other half of the street easement when the adjoining property is subdivided. Wherever a half street is adjacent to the tract to be subdivided, the other half of the street shall be platted within the tract being subdivided;

(L) The arrangement of streets shall be such as to cause no hardship in the subdividing of adjacent properties. The City Council may require the dedication of street rights-of-way to facilitate the development of adjoining properties;

(M) No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the City Council;

(O) Minor streets shall be laid out so that their use by arterial traffic will be discouraged;



- (P) Streets shall intersect at approximately right angles;
- (Q) Street grades shall be as follows:
- (1) The minimum grade of all streets shall be 0.4%;
 - (2) Except where unusual topo-graphic conditions justify it, the maximum grade of all streets shall not be greater than the following:

Street Type	Grade
Major	5%
Collector	7%
Residential streets	10%

- (R) Street corners shall be as follows:
- (1) Street corners on local residential streets shall have a minimum radius of 20 feet at curb line or its equivalent;
 - (2) Street corners on collector streets shall have a minimum radius of 25 feet at the curb line or its equivalent;
 - (3) Street intersections involving major thoroughfares shall have a minimum street corner radius of 30 feet at the curb line or its equivalent;
 - (4) In order to provide for traffic safety, there shall be on each corner of each intersection of two streets a clear sight triangle. A clear sight triangle means a triangle formed by the curb lines of two intersecting rights of way and a third line connecting a full view zone of 25 feet from intersecting corners of the street. On streets with no curb and gutter, the same triangle will be used and measurements made twelve (12) feet from the center of the street if the street is two lanes in width and six (6) additional feet for each lane width as existing at the intersecting corner. The plat or the covenants of the addition shall clearly prohibit any construction or planting of landscaping materials in this area.
- ('93 Code, §12-441) (Ord. 1041, passed 4- 12-83; Am. Ord. 1859, passed 7-10-18)

§ 156.064 ALLEYS.

Alleys shall be as follows:

- (A) Alleys shall be provided in commercial and industrial districts, except that the City Council may waive this requirement where other definite and assured provision is made for

service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed;

(B) Alleys serving commercial and industrial areas shall be not less than 30 feet in width;

(C) Alleys are not required for residential areas, but when provided shall be not less than 20 feet in width;

(D) Alley intersections and sharp changes in alignment should be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement;

(E) Dead-end alleys should be avoided, but if necessary, shall be provided with adequate turn around facilities at the dead end, as determined by the City Council; and

(F) Alleys shall be finished with a sealed surface and otherwise constructed to the city's specifications.

('93 Code, §12-442) (Ord. 1041, passed 4-12- 83; Am. Ord. 1859, passed 7-10-18)

§ 156.065 EASEMENTS.

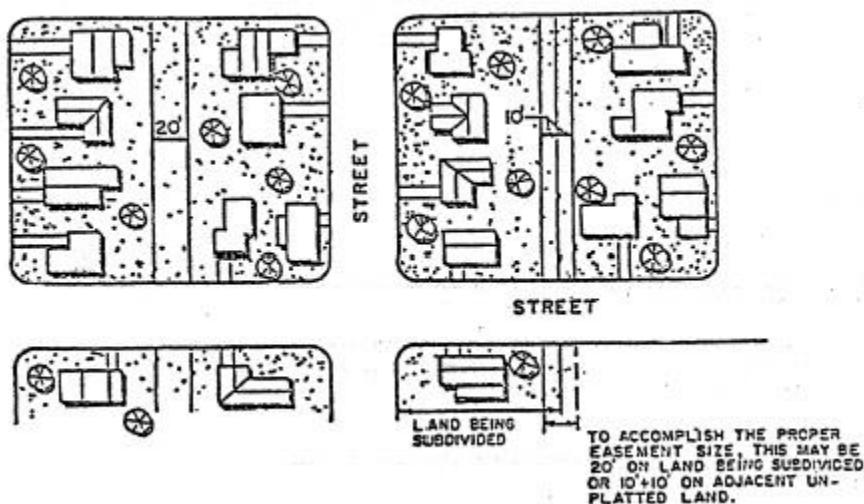
(A) Where alleys are not provided, easements not less than ten feet wide shall be provided along each rear lot line. A five-foot easement alongside lot lines of individual plots may be required where necessary for use by public and private utilities. The City Council may require air rights and easements of greater width for the extension of main storm and sanitary sewers and other utilities where it is deemed necessary.

(B) When a subdivision is adjacent to unplatted land, the easements for public and private utilities shall be:

(1) Provided as 20 feet wide on the land being subdivided; or

(2) Provided as ten feet wide on the land being subdivided with an easement ten feet wide being presented adjacent and simultaneous to the presentation of the final plat.

EASEMENTS



('93 Code, § 12-443) (Ord. 1041, passed 4-12-83)

§ 156.066 BLOCKS.

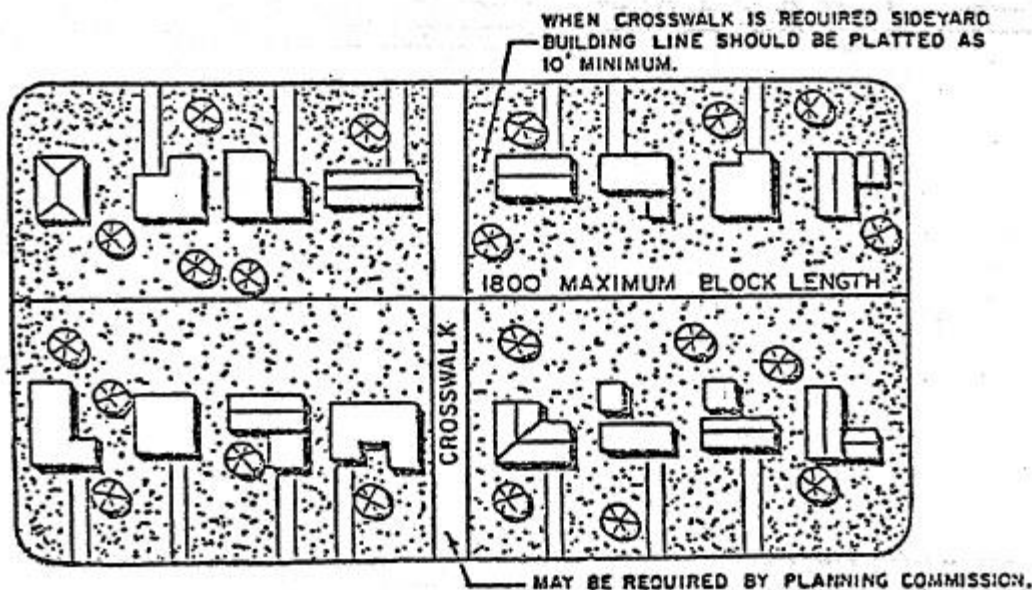
(A) The lengths, widths and shapes of blocks shall be determined with due regard for the following:

- (1) Provision of adequate building sites suitable to the special needs of the type of use contemplated;
- (2) Zoning requirements as to lot sizes and dimensions;
- (3) Needs for convenient access, circulation, control and safety of street traffic; and
- (4) Limitations and opportunities of topography.

(B) Blocks for residential use shall not be longer than 1,800 feet, measured along the center line of the block. When a block exceeds 600 feet in length, the City Council may require a dedicated easement not less than 5 feet in width and a paved crosswalk not less than 5 feet in width to provide pedestrian access across the block.

(C) Blocks used for residential purposes should be of sufficient width to allow for two tiers of lots of appropriate depth, but should be not less than 200 feet in width. Blocks intended for business and industrial use should be of a width suitable for the intended use, with due allowance for off-street parking and loading facilities.

BLOCKS



('93 Code, § 12-444) (Ord. 1041, passed 4-12-83)

§ 156.067 LOTS.

(A) Residential lots shall be not less than 60 feet in width at the front building line and shall abut a street a distance of not less than 35 feet.

(B) The area of residential lots shall be not less than 6,000 square feet.

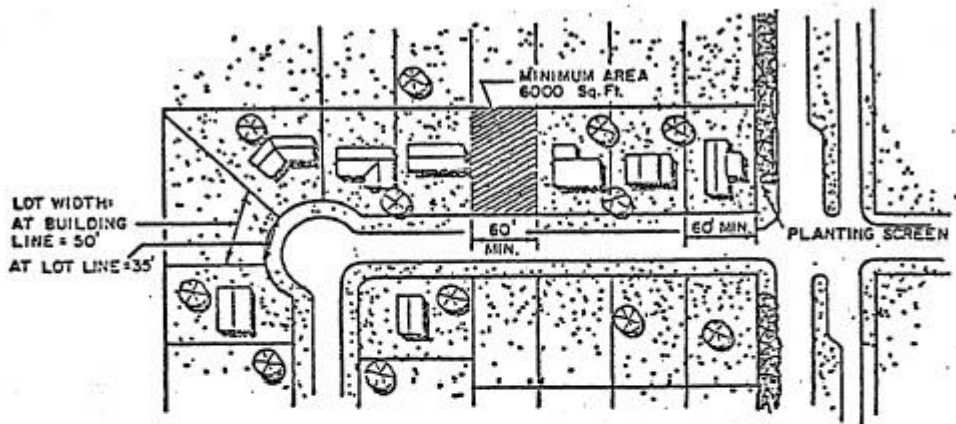
(C) In residential subdivisions where septic tank or individual sewage disposal devices are to be installed, the area of the lot shall be not less than 22,500 square feet.

(D) Lots are not required for subdivisions for commercial and industrial use, but when provided should be of appropriate size and arrangement to provide for adequate off-street parking and loading facilities based on the intended use.

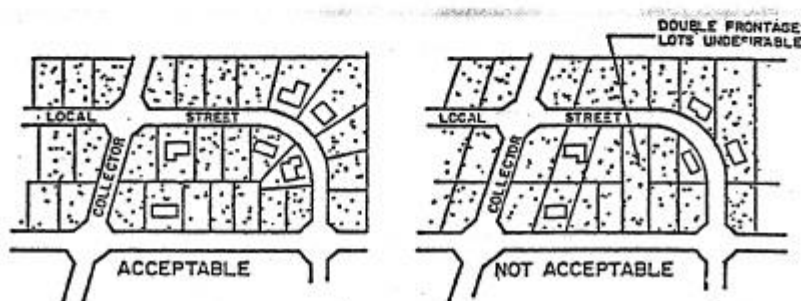
(E) Side lot lines should be approximately at right angles or radial to street lines.

(F) Double frontage and reverse frontage lots should be avoided except where they are needed to provide for the separation of development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least 20 feet shall be provided along the portion of the lots abutting such a traffic artery or other use where screening is required. There shall be no right-of-access across a planting screen easement.

LOTS



LOT PATTERN

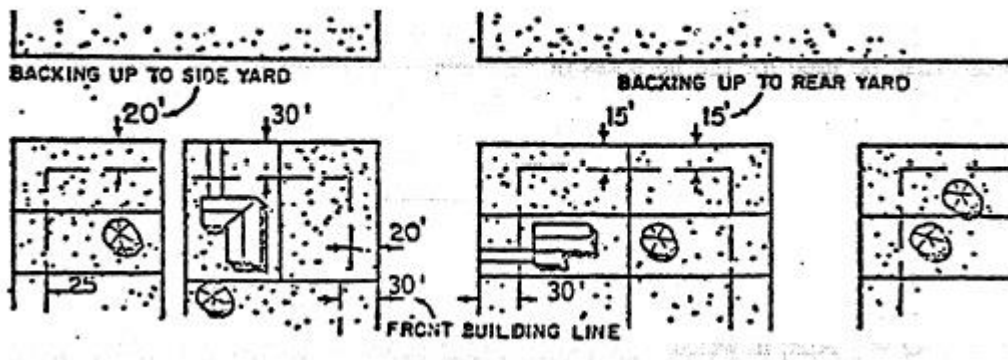


('93 Code, § 12-445) (Ord. 1041, passed 4-12-83)

§ 156.068 BUILDING LINES.

Building lines shall be provided for all residential subdivisions as follows:

- (A) A front building line shall be located 30 feet back of the street right-of-way line;
- (B) A side yard building line on the side of a corner lot abutting the street shall be located not less than 15 feet back of the street right-of-way when such lot is back to back with another corner lot and not less than 20 feet back of the street right-of-way line in every other case;
- (C) A side yard building line shall be provided not less than ten feet back of a crosswalk right-of-way line on the side of a lot abutting a midblock crosswalk; and
- (D) Restrictions requiring buildings to be located within the building lines shown on the plat shall be set forth on the plat or on a separate recorded instrument.



(`93 Code, § 12-446) (Ord. 1041, passed 4-12-83)

§ 156.069 DRAINAGE.

(A) These regulations and standards are designed, intended and should be administered in a manner to protect the various drainage areas in the city from flooding; to provide clean and sanitary channels for runoff; to prevent pollution of watersheds, streams and natural drainage channels; to prevent the encroachment of buildings and improvements on natural drainage channels; to equitably apportion the cost of improvements; to protect natural scenic areas; and to provide for the conservation of the natural resources of the area and to fulfill the requirements of the flood insurance administration. The regulations and standards herein contained shall apply to the incorporated area of the city. All subdivisions of land and all improvements of any character which affect drainage in any portion of the city shall be subject to the provisions of these regulations and be subject to approval by the City Public Works Director or his or her designee. Development within the limits of the 100-year flood shall be designed in such a manner that all finished floor elevations shall be at least one foot above the 100-year floor level; provided, however, that all earth fills within the 100-year flood level shall be approved by the City Engineer; and provided, further, that development within the 100-year flood shall not in any case plan for structures in the floodway as shown on the official flood maps.

- (B) (1) The two classes of drainage channels shall be:
 - (a) Primary drainage channels; and
 - (b) Secondary drainage channels.

(2) In general, it is intended that channels which are designated as primary channels serve a drainage area of 1,000 acres or more. It is intended by these regulations that the improvement of primary drainage channels shall be primarily the responsibility of the community as a whole, since the whole community is materially benefitted. However, the developer of the land containing a primary channel is expected to layout, design and otherwise plan and carry out his or her improvements in a manner that will not interfere with or restrict the natural flow of water or materially change the condition of runoff. Increased runoff and changes in primary channels which are created by improvements of an individual subdivision shall be the responsibility of the developer of the subdivision and shall be made in accordance with the provisions of these regulations. It is intended by these regulations that the improvement of a secondary channel shall be the responsibility of the developer of the area served by the channel, since the primary benefit is to the area served by the secondary channel and not to the community as a whole.

(C) The maximum condition of rainfall for a 100-year interval plus one-foot of freeboard shall be used for the purposes of determining all runoff for the sizing of drainage channels and structures for the city, unless otherwise specified herein. Values used in formulas for runoff and size of drainage structures shall reflect the degree of urbanization set forth in the projected land use pattern contained in the comprehensive plan for the city. The following formulas and values shall be used for calculating all stream flow and runoff for the policies and regulations established herein:

(1) Runoff from all drainage areas shall be determined by Rational Formula:

$Q = AIR$, in which

Q = Cubic feet per second

A = Area to be drained in acres, determined by field surveys for areas less than 1,000 acres and by latest government quadrangle maps for larger areas

I = Percent of imperviousness of the area may vary between 40% and 95%

R = Rate of rainfall over entire drainage area in inches per hour, based on time of concentration and latest government records for area (using 100-year storm plus one foot for primary and secondary channels).

(2) The size of closed storm sewers, open channels, culverts and bridges shall be determined using the Manning Formula:

$Q = \frac{1.486A r^{2/3} s^{1/2}}{n}$

Q = Discharge in cubic feet per second

A = Cross-sectional area of water in conduit in square feet

r = Hydraulic radius of water in conduit

s = Mean slope of hydraulic gradient, in feet of vertical rise per foot of horizontal distance

n = Roughness coefficient, based on condition and type of material of conduit lining, but not less than 0.013.

(D) All primary drainage channels which are located within, or immediately adjacent to an improvement or a subdivision shall be protected and improved by the developer as follows:

(1) All land having an elevation below the 50-year maximum flood elevation and not protected by levies or dikes shall be dedicated to the city for the purpose of providing drainage and for public park and utility easement use. The developer may retain unto himself or herself an

easement for landscaping, for installation and maintenance of ornamental elements and for fencing. Access for proper maintenance to the area of the 100-year flood shall not be obstructed;

(2) The existing channel laying within or immediately adjacent to the subdivision shall be cleaned to provide for the free flow of water, and the channel shall be straightened, widened and improved to the extent required to prevent overflow beyond the limits of the dedicated drainage area;

(3) Site improvement shall provide for the grading of all building sites and streets to an elevation where all lots, building areas and streets will not be subject to overflow and in a manner that will provide for the rapid runoff of all rainfall;

(4) Whenever channel improvement is carried out, sodding, back-sloping, cribbing and other bank protection shall be designed and constructed to control erosion for all the anticipated conditions of flow for the segment of channel involved. Planting of appropriate species for landscape beauty is encouraged;

(5) A drainage channel shall not be located in a street easement unless it is placed in an enclosed storm sewer; and

(6) Culverts, bridges and other drainage structures shall be constructed in accordance with the specifications of the city at all locations where drainage channels intersect with continuous streets or alleys.

(E) Surface drainage and all secondary channels within or adjacent to the addition shall meet the following conditions:

(1) When a subdivision is traversed by a secondary drainage channel, watercourse or stream which drains 160 acres or more of land, there shall be provided a right-of-way for drainage and public parks and public utility purposes adequate to contain all of the floodway of a 100-year maximum flood. The right-of-way shall include all of the land within the subdivision that is within the floodway as established by the official flood maps;

(2) Secondary drainage channels which have a primary function of collecting surface water from adjacent properties or intercepting and diverting side hill drainage shall be provided with an improved open channel;

(3) Secondary drainage channels which have a primary function of transporting water through the block or collecting water from cross channels and which have a drainage area of less than 40 acres shall be improved with closed storm sewers or an improved open channel when approved by the City Engineer of the city. Where the secondary drainage channel has a drainage area of greater than 40 acres, an improved open channel or closed storm sewer shall be provided;

(4) A drainage channel shall not be located in a street easement unless it is placed in a closed storm sewer;

(5) Site grading shall be carried out in such a manner that surface water from each lot will flow directly to a storm sewer, improved channel or paved street without crossing more than two adjacent lots;

(6) Surface water collected on streets shall be diverted to storm drains at satisfactory intervals to prevent overflow of six-inch high curbs during a ten- year frequency rain for the area and grades involved.

However, the minimum finished grade at the building line shall be such that it will not be affected by storms equivalent to a 100-year frequency plus one foot of freeboard;

(7) Drainage area allowed for surface flow on streets at a point of diversion shall not exceed 20 acres, regardless of flow;

(8) Drainage easements of satisfactory width to provide working room for construction and maintenance shall be provided for all storm sewers;

(9) Channel improvements shall be as follows:

(a) Open channels shall be improved by providing a paved section that will carry the runoff from a rain of 5-year frequency and a sodded section to carry the runoff from a rain of 10-year frequency. However, the minimum finished grade at the building line shall be such that it will not be affected by storms equivalent to a 100-year frequency plus one foot of freeboard. The design of the channel improvements shall be in accordance with the standards set forth on the three following figures. Where turbulence is sufficiently limited, where natural beauty is thereby preserved and where erosion will not result, the Planning and Zoning Commission may approve omitting the paved section; and

(b) Whenever an open improved channel is required or authorized for a secondary drainage channel under the provisions of these regulations and the channel crosses large residential lots (area of not less than 10,000 square feet) and the channel improvement is to be designed as an integral part of the landscaping of the area that will be maintained by the property owners of the area, then the City Council may modify the requirements of the first part of this provision to permit a channel improvement design in accordance with the third of the design alternatives shown.

(F) Requirements relating to improvements:

(1) Easements. All storm drainage features shall be placed in proper easements as set out in these regulations;

(2) Bridges and culverts. Bridges and culverts shall be as follows:

(a) All flow of water across continuous streets or alleys shall be through culverts or bridges;

(b) Bridges and culverts on primary drainage channels shall be sized to accommodate a 100-year frequency rain, plus one foot of freeboard, based on the drainage area involved;

(c) Bridges and culverts on secondary drainage channels which drain 160 acres or more of land shall be sized to accommodate a 100-year frequency rain, plus one foot of freeboard, based on the drainage area involved. However, a 50-year frequency may be used when overflow provisions are incorporated to accommodate a 100-year frequency rain;

(d) Bridges and culverts on secondary drainage channels which drain less than 160 acres of land shall be sized to accommodate a 10-year frequency rain, based on the drainage area involved; provided, that all building elevations shall have one foot of freeboard above overflows of the 100-year storm;

(e) Design of bridges and culverts shall be submitted to and have the approval of the City Engineer;

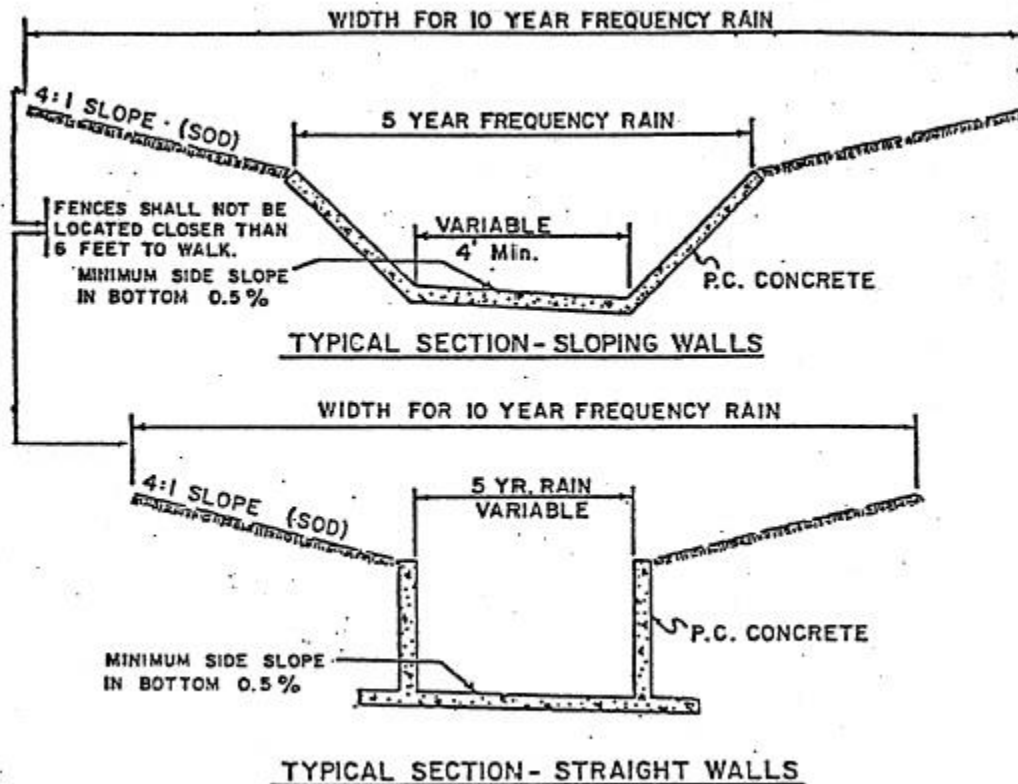
(3) Closed storm sewers. Closed storm sewers shall be constructed of pre-cast or pre-fabricated pipe or built in place of closed box design to serve a ten-year frequency rain for the drainage area involved; and

(4) Open paved storm drainage. Open paved storm drainage channels shall be approved in accordance with specifications approved by the City Engineer. Side slopes above the paved section shall be shaped and sodded on a slope of four horizontal to one vertical or flatter. Fences capable of limiting water flow or which would prevent proper maintenance and care of the drainage facility shall not be erected below the shoulder of the sodded section. Retaining walls or

other decorative elements which do not prevent necessary access for maintenance may be erected.

(G) The City Council reserves the right to require improvements, provisions of drainage easements and for provisions of agreements beyond the boundaries of the addition to facilitate flow of water through the addition and to provide continuous improvement of the overall storm sewer system.

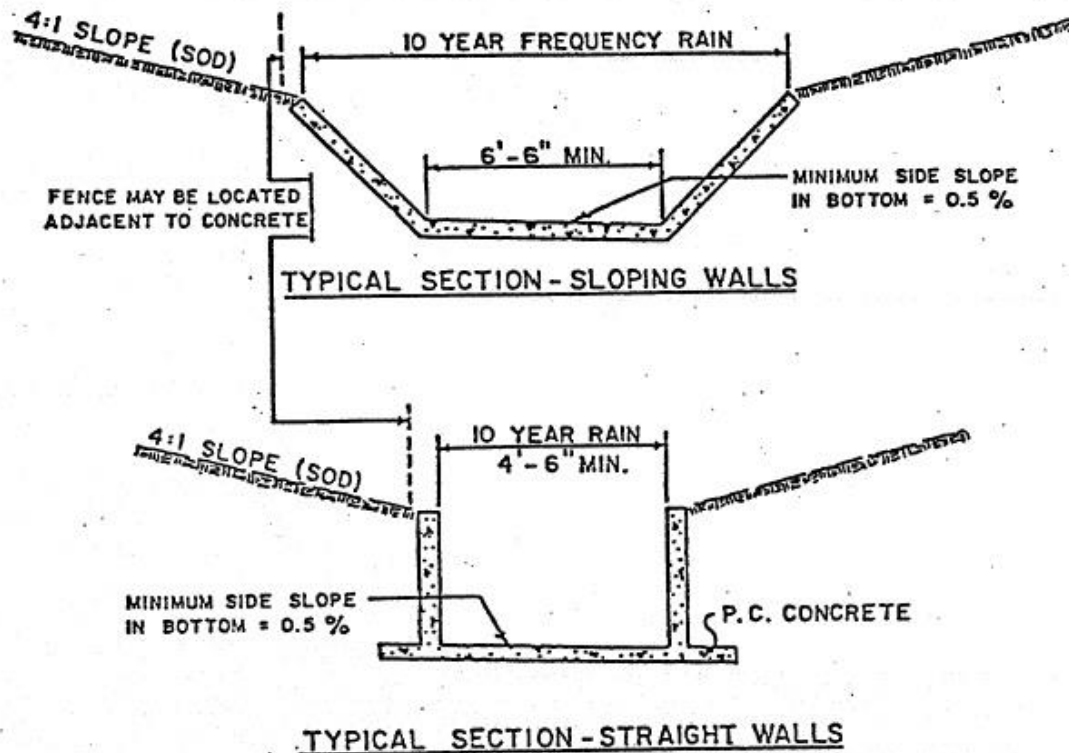
IMPROVED DRAINAGE CHANNEL



General Specifications

1. Use of sloping walls or straight walls is optional.
2. Construction of concrete lining shall conform to city specifications.
3. Straight walls shall be designed to withstand earth pressures.
4. Sloping walls shall have slope ratio of 1 horizontal to 1 vertical, or flatter.
5. Sodded slope ratio shall be 4 horizontal to 1 vertical, or flatter.
6. Concrete liners shall be structurally designed for calculated hydraulic load to be minimum 4 inches - maximum 6 inches of 3,500 lb. concrete.

IMPROVED DRAINAGE CHANNEL



General Specifications

1. Use of sloping walls or straight walls is optional.
2. Construction of concrete lining shall conform to city specifications.
3. Straight walls shall be designed to withstand earth pressures.
4. Sloping walls shall have slope ratio of 1 horizontal to 1 vertical, or flatter.
5. Sodded slope ratio shall be 4 horizontal to 1 vertical, or flatter.
6. Concrete liners shall be structurally designed for calculated hydraulic load to be minimum 4 inches - maximum 6 inches of 3,500 lb. concrete.

IMPROVED DRAINAGE CHANNEL

General Specifications

1. Slopes back of curb shall have a ratio of 4 horizontal to 1 vertical, or flatter.
 2. Slopes shall be sodded uniformly to permit mowing.
 3. Concrete construction shall conform to city specifications.
 4. This section shall be constructed only in those locations outlined in general policies and requirements.
 5. Concrete liners shall be structurally designed for calculated hydraulic load to be minimum 4 inches - maximum 6 inches of 3,500 lb. concrete.
- (`93 Code, § 12-447) (Ord. 1041, passed 4-12-83)

Subdivision/Plat Application

Sketch Plat: ☐
 Preliminary Plat: ☐
 Final Plat: ☐
 Re-Plat: ☒

Petition # PC 2022-05
 Fee \$ 300
 Expedited Fee \$ _____

APPLICANT INFORMATION

Name: <u>BREI, LLC.</u>	Email: <u>billy@blackburnplumbingllc.com</u>	Phone #1 <u>580 916-6799</u>
Mailing Address: <u>P.O. Box 816</u>		Phone #2 <u>580 715-1779</u>
City: <u>DURANT</u> State: <u>OK</u>	Zip: <u>74702</u>	Fax # _____
Applicant's Interest in Property: _____		

SURVEYOR INFORMATION

Name: <u>PAGE SURVEYING</u>	Email: <u>N/A</u>	Phone #1 <u>580 920-9101</u>
Mailing Address: <u>124 S. 8TH AVE.</u>		Phone #2 <u>580 239-0176</u>
City: <u>DURANT</u> State: <u>OK</u>	Zip: <u>74701</u>	Fax # <u>580 920-9101</u>
Surveyor Oklahoma License Number: <u>1566</u>		

ENGINEER INFORMATION

Name: _____	Email: _____	Phone #1 _____
Mailing Address: _____		Phone #2 _____
City: _____ State: _____	Zip: _____	Fax # _____
Engineer Oklahoma License Number: _____		

LAND INFORMATION

Legal Description: <u>LOTS 24 AND 25 OF BLOCK 1 OF NORMAL HEIGHTS FIRST ADDITION TO DURANT, OKLAHOMA</u>	Parcel Number: _____
Proposed Subdivision Name: <u>NORMAL HEIGHTS FIRST ADDITION</u>	Current Zone: <u>R3</u>
Proposed Use: <u>SFR</u>	Proposed Zone: <u>R3</u>
Current Property Owner's Name: <u>BREI, LLC.</u>	

The applicant has prepared this application and supporting documentation and certifies that the facts stated herein and exhibits attached hereto are true and correct.

Applicant: [Signature] Date: 12/29/21

Office Use Only

Date Filed	Date Payment Received	Notification Mailed	Comments
Initial	Initial	Date Initial	
Proof of Publication Received		Property Posting Verified	Comprehensive Plan Recommendations
Date	Initial	Date	Initial

RECEIVED
JAN 25 2022

Staff Recommendation ☐ Approve ☐ Deny	PC Recommendation ☐ Approve ☐ Deny	City Council Action ☐ Approve ☐ Deny	Ordinance #
---	--	--	-------------

APPLICATION WILL NOT BE CONSIDERED COMPLETE WITHOUT THE FOLLOWING INFORMATION ADDRESSED:

Please describe the nature and operating characteristics of the proposed use:

SINGLE FAMILY HOME

STATE HOW THE FOLLOWING ISSUES WILL BE ADDRESSED:

1. Parking:

STANDARD CONCRETE DRIVEWAY FOR SINGLE FAMILY HOUSE

2. Screening of offensive areas (trash, loading areas, transformers, utility connections, detention ponds, etc.).

WILL ADD LANDSCAPE, OR FENCING WHERE NEEDED

3. Traffic Impacts:

SINGLE FAMILY HOME

4. Protection of Neighborhoods:

WILL CONFORM TO EXISTING NEIGHBORHOOD

What licenses and permits (if any) are required for this proposed use?

JUST CITY PERMITS FOR NEW CONSTRUCTION

Please list or describe any other reasons to support this application.

HOUSE WILL CONFORM TO NEIGHBORHOOD AND ADD TO MUCH NEEDED RENTAL HOUSING.

After recording, return to:
Blackburn Real Estate Investments, LLC
P.O. Box 816
Durant, OK 74702

2021-734134 Book 1562 Pg. 1,089
06/02/2021 2:33 pm Pg 1089-1089
Fee: \$ 18.00 Doc: \$ 29.25
Tammy Reynolds - Bryan County Clerk
State of Oklahoma



**JOINT TENANCY
WARRANTY DEED**

File No.: 2021040136

Documentary Stamps: \$29.25

That Dan T. Crouse or Barbara Ann Crouse, Trustees of the Dan T. and Barbara Ann Crouse 2009 Revocable Trust, (the "Grantor"), in consideration of the sum of TEN & NO/100 Dollars and other valuable considerations, in hand paid, the receipt of which is hereby acknowledged, do(es) hereby, grant, bargain, sell and convey unto Blackburn Real Estate Investments, LLC, a Limited Liability Company, as joint tenants and not as tenants in common, with right of survivorship, the whole estate to vest in the survivor, (the "Grantee"), the following described real property and premises situate in Bryan County, Oklahoma, to wit:

Lots 24 and 25 in Block 1 of Normal Heights First Addition, to the City of Durant, Bryan County, Oklahoma, according to the recorded plat thereof.

Together with all the improvements thereon and the appurtenances thereto belonging, and warrant the title to the same. SUBJECT TO easements, rights of way, restrictive covenants of record.

TO HAVE AND TO HOLD said described premises unto said Grantee, and to the heirs, successors and assigns of the survivor, forever, free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature.

Signed and delivered this 1st day of June, 2021.

Dan T. and Barbara Ann Crouse 2009 Revocable Trust

By: *Dan T. Crouse*
By: Dan T. Crouse, Trustee

STATE OF OKLAHOMA
Bryan County, 29.25
Documentary Stamps \$

By: *Barbara Ann Crouse*
By: Barbara Ann Crouse, Trustee

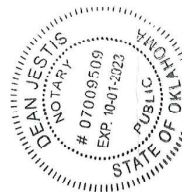
ACKNOWLEDGMENT - OKLAHOMA FORM

STATE OF OKLAHOMA
COUNTY OF BRYAN

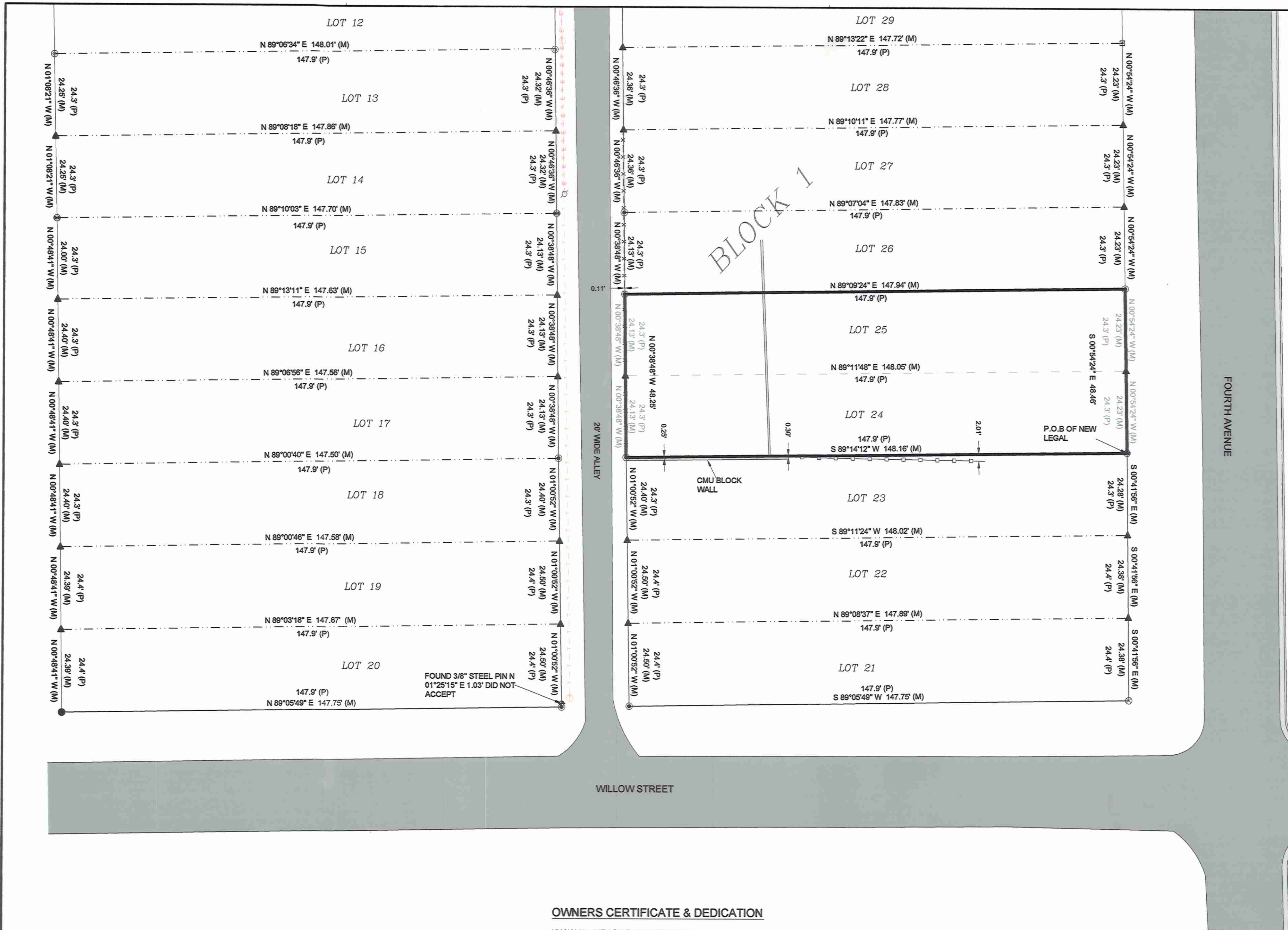
ss.

This instrument was acknowledged before me on this 1st, day of June, 2021 by Dan T. Crouse or Barbara Ann Crouse, Trustees of Dan T. and Barbara Ann Crouse 2009 Revocable Trust.

Commission No.:



Dean J. Jettis
Notary Public
My Commission Expires:



DOCUMENTS USED IN PREPARATION FOR THIS SURVEY:

- WARRANTY DEED FROM DAN AND BARBARA CROUSE TO BLACKBURN REAL ESTATE INVESTMENTS, L.L.C., FILED ON JUNE 02, 2020 IN BOOK 1562, PAGE 1089 IN THE RECORDS OF BRYAN COUNTY, OKLAHOMA.
- SUBDIVISION PLAT OF NORMAL HEIGHTS FIRST ADDITION TO DURANT, OKLAHOMA AS FILED IN THE RECORDS OF BRYAN COUNTY, OKLAHOMA.

SURVEYOR'S NOTES:

- SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT ABSTRACT, COMMITMENT OR TITLE OPINION. NO EASEMENTS OR RIGHTS-OF-WAY WERE PROVIDED TO THE SURVEYOR.
- ALL MEASUREMENTS AS SHOWN ARE IN GRID (SPC NAD 83) BEARINGS, AND GROUND DISTANCES UNLESS OTHERWISE NOTED.
- THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.
- ALL LATITUDE AND LONGITUDE COORDINATES ARE SHOWN AS WGS 84, DERIVED BY DIFFERENTIAL G.P.S. BASED ON DURANT CONTROL NETWORK BY PAGE SURVEYING AND ASSOCIATES, AND GRID (SPC NAD 83) BEARINGS.
- THIS FIRM WAS NOT CONTRACTED TO RESEARCH EASEMENTS OR ENCUMBRANCES OF RECORD.
- SUBJECT PROPERTY IS SUBJECT TO STATUTORY SECTION LINE ROAD EASEMENTS WHERE APPLICABLE AND AS SHOWN ON SURVEY PLAT.
- SURVEY PERFORMED USING RTK GPS, COORDINATE SYSTEM IS WGS 84, ALL BEARING ARE REFERENCED TO GRID (SPC NAD 83) BEARINGS.

G.P.S. BASE POINT INFORMATION:

NAD 83 COORDINATE
NORTHING: 200228.1546
EASTING: 2397945.5256
ELEV: 637.751
WGS 84 DATA
LAT: 33°52'31.8824" N
LONG: 98°30'08.6557" W
HT: 550.969

OWNERS CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS
That BILLY BLACKBURN, being the sole owner of the parent tracts in fee simple of the following described property respectively, to wit:

ORIGINAL PARENT TRACTS:
DEED FILED IN BOOK 1562, PAGE 1089 OF THE RECORDS IN THE OFFICE OF THE COUNTY CLERK, BRYAN COUNTY, OKLAHOMA.

I DAVID L. PAGE JR. HEREBY CERTIFY THAT THIS SUB-DIVISION RE PLAT, ACCURATELY REPRESENTS THE FOLLOWING TRACTS OF LAND TO WIT:
A TRACT OF LAND, BEING COMPRISED OF LOT 24 AND LOT 25 IN BLOCK 1 OF NORMAL HEIGHTS FIRST ADDITION TO DURANT, OKLAHOMA, FILED IN THE OFFICE OF THE BRYAN COUNTY CLERK BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS WITH A BASE GRID BEARING BEING S 89°14'12" W, ALONG THE SOUTH LINE OF SAID LOT 24, BASED ON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM DERIVED FROM THE DURANT CONTROL NETWORK BY PAGE SURVEYING AND ASSOCIATES, MORE PARTICULARLY DESCRIBED AS:
BEGINNING AT THE SOUTHEAST CORNER OF LOT 24 OF THE REPLAT IN BLOCK 1 OF NORMAL HEIGHTS FIRST ADDITION TO DURANT, OKLAHOMA;

THENCE, S 89°14'12" W, ALONG THE SOUTH LINE OF SAID LOT 24, A DISTANCE OF 148.16 FEET TO THE SOUTHWEST CORNER OF SAID LOT 24;
THENCE, N 0°28'48" W, ALONG THE WEST LINE OF SAID LOTS 24 AND 25, A DISTANCE OF 48.25 FEET TO THE NORTHWEST CORNER OF LOT 25;
THENCE, N 89°09'24" E, ALONG THE NORTH LINE OF SAID LOT 25, A DISTANCE OF 147.84 FEET TO THE NORTHEAST CORNER OF SAID LOT 25;
THENCE, S 89°05'49" E, ALONG THE EAST LINE OF SAID LOTS 24 AND 25, A DISTANCE OF 48.46 FEET BACK TO THE POINT OF BEGINNING, SAID TRACT OF LAND CONTAINS 0.16 ACRES MORE OR LESS.

3/1/22 BASIS OF BEARINGS: SOUTH 89°14'12" WEST, ALONG THE SOUTH LINE OF LOT 24 IN BLOCK 1 OF NORMAL HEIGHTS FIRST ADDITION TO DURANT, OKLAHOMA, REFERENCED TO THE OKLAHOMA STATE PLANE COORDINATE SYSTEM (NAD 83). THE AFORESAID PARCEL OF LAND DESCRIBED BY DAVID L. PAGE JR., PLS NO. 1566, ON NOVEMBER 17, 2021.

DATE SIGNED OWNER, MEMBER/MANAGER

STATE OF OKLAHOMA
COUNTY OF BRYAN

Before me, the undersigned, a Notary Public in and for said County and State on this 1st day of March, 2022, personally appeared Billy Blackburn to me known to be the identical person who executed the within and foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.
Given under my hand and seal of office the day and year last above written.

Notary Public
9-7-2025
Commission Expiration

CHRIS EASTWOOD
Notary Public - State of Oklahoma
Commission Number 81684719
My Commission Expires April 7, 2025

LEGEND

- These standard symbols may be found in the drawing.
- SET 12" STEEL PIN WITH CAP (PLS 1558)
 - FOUND 3/4" STEEL PIN
 - FOUND RAILROAD SPIKE
 - FOUND 1/2" STEEL PIN
 - FOUND 5/8" STEEL PIN
 - FOUND 1" STEEL PIPE
 - FOUND 3/8" STEEL PIN WITH CAP (CA 463)
 - FOUND 3/8" STEEL PIN
 - MEASURED FIELD DATA
 - RECORD PLATED DATA
 - POWER POLE
 - TELEPHONE PEDESTAL
 - BOUNDARY LINE
 - UNDERGROUND TELEPHONE LINE
 - OVERHEAD ELECTRIC
 - WOOD PANEL FENCE
 - ASPHALT SURFACE
 - CONCRETE SURFACE

REPLAT OF LOTS 24 AND 25

A SUBDIVISION TO THE TOWN OF DURANT OF THE
NORMAL HEIGHTS FIRST ADDITION TO DURANT, OKLAHOMA.

LICENSED LAND SURVEYORS CERTIFICATE

I, David L. Page Jr., a Licensed Land Surveyor in the State of Oklahoma, do hereby state that this plat of survey is based on an actual field survey, by myself, or under my direction, in conformance with the Oklahoma Minimum Standards for the Practice of Land Surveying, And subject to easements and/or rights-of-way, either recorded, or implied, thereof.

David L. Page Jr. 11-17-21
David L. Page Jr. P.L.S. #1566 Date

STATE OF OKLAHOMA
COUNTY OF BRYAN

Before me, the undersigned, a Notary Public in and for said County and State on this 17th day of November, 2021, personally appeared David L. Page, Jr. to me known to be the identical person who executed the within and foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.
Given under my hand and seal of office the day and year last above written.

Sarah Payne
Notary Public
5-11-2024
Commission Expiration

COUNTY TREASURERS CERTIFICATE

I, _____, The duly elected and qualified County Treasurer of Bryan County, Oklahoma, do hereby certify that there are no unpaid taxes up to and including the year 2020 on the described real property known as Replat of Lots 24 and 25 being a part of Bryan County, State of Oklahoma, and the required security has been deposited in the office of the County Treasurer guaranteeing payment of the current years taxes.
Witness my hand this _____ day of _____, 2021.

County Treasurer

STATE OF OKLAHOMA
COUNTY OF BRYAN

Before me, the undersigned, a Notary Public in and for said County and State on this _____ day of _____, 2021, personally appeared _____ to me known to be the identical person who executed the within and foregoing instrument and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.
Given under my hand and seal of office the day and year last above written.

Notary Public

Commission Expiration

DEPARTMENT OF ENVIRONMENTAL QUALITY APPROVAL

The Oklahoma State Department of Environmental Quality, certifies that this plat is approved for the construction of a _____ sewage disposal system and a _____ water system this _____ day of _____, 2021.

Environmental Specialist

COUNTY CLERK CERTIFICATE
STATE OF OKLAHOMA
COUNTY OF BRYAN

This instrument, _____, was filed on the _____ day of _____, 2021, at _____, and duly recorded in book _____, page _____.

County Clerk

STATE OF OKLAHOMA
COUNTY OF BRYAN

Before me, the undersigned, a Notary Public in and for said County and State on this _____ day of _____, 2021, personally appeared _____ to me known to be the identical person who executed the within and foregoing instrument and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.
Given under my hand and seal of office the day and year last above written.

Notary Public

Commission Expiration

DURANT CITY PLANNING COMMISSION - APPROVAL AND ACCEPTANCE

I, _____, Chairmen of the Durant Planning Commission for the City of Durant, State of Oklahoma, hereby certify that the said commission duly approved the Replat of lots 24 and 25 in Block 1 of Normal Heights to the Town of Durant, on this _____ day of _____, 20____.

Chairman

Secretary

DURANT CITY COUNCIL - APPROVAL AND ACCEPTANCE

Let it be resolved by the City Council of the City of Durant, Bryan County, Oklahoma, that this Replat of lots 24 and 25 in Block 1 of Normal Heights to the Town of Durant, Bryan County, Oklahoma and are hereby accepted. Adopted by the City Council of the City of Durant, Bryan County, Oklahoma, this _____ day of _____, 20____.

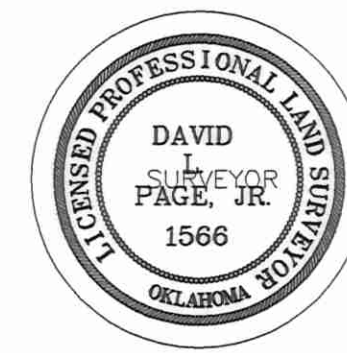
Signed: _____ Mayor Signed: _____ City Clerk



124 SOUTH 8th AVENUE
DURANT, OKLAHOMA 74701
(580) 920-9101 OR (580) 239-0176
FAX (580) 920-9121

DAVID L. PAGE JR. © 2021
PROFESSIONAL LAND SURVEYOR #1566
C.A. # 1991, EXPIRES 6-30-2023

Surveyor's Seal



TREASURER

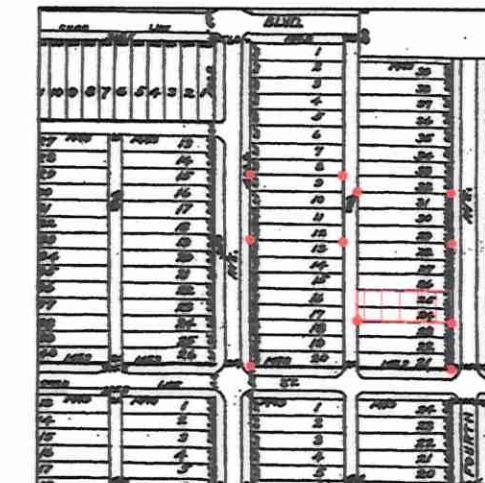
NOTARY

ENVIRONMENTAL
QUALITY

CLERK

NOTARY

LOCATION MAP
DENOTES FOUND MONUMENT



LOCATION

LOT 24 AND 25
NORMAL HEIGHTS FIRST ADDITION TO
DURANT, BRYAN COUNTY, OKLAHOMA



"BASIS OF BEARING"
BASED ON THE OKLAHOMA STATE PLANE
COORDINATES SYSTEM (NAD 83) AND THE
DURANT CONTROL NETWORK BY PAGE
SURVEYING AND ASSOCIATES.
CONTROLLING CORNERS ARE EXISTING
CORNERS FOUND AT THE LOT CORNERS
IN BLOCK 1 OF NORMAL HEIGHTS FIRST
ADDITION TO THE TOWN OF DURANT,
BRYAN COUNTY, OKLAHOMA.

GENERAL NOTES

SUBJECT TO EASEMENTS AND/OR RIGHTS-OF-WAY, EITHER
RECORDED, OR IMPLIED, THEREOF.
NO UTILITIES OF ANY KIND HAVE BEEN LOCATED EXCEPT THOSE
SHOWN ON THE ABOVE PLAT

CONTROLLING CORNERS FOR THIS SURVEY ARE AS SHOWN ON THE
TOPOGRAPHIC SURVEY PLAT

THIS IS NOT A VALID SURVEY WITHOUT THE SURVEYOR'S ORIGINAL
SIGNATURE AND ORIGINAL SEAL

PORTIONS OF THIS PLAT ARE IN COLOR. PHOTO AND ELECTRONIC
COPIES OF THIS PLAT MAKE IT INVALID AND MAY ALTER ITS
MEANING

THIS PLAT AND SURVEY MEETS THE OKLAHOMA MINIMUM
STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED
BY THE OKLAHOMA STATE BOARD OF LAND SURVEYING FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS.



NO.	REVISION/ISSUE	DATE

SURVEY INFORMATION

FIELD WORK PERFORMED: 10-6-21
DATE OF LAST SITE VISIT: 11-17-21
PLAT COMPLETED: 11-17-21

Project Name and Address

BILLY BLACKBURN
LOTS 24 AND 25 OF BLOCK 1
OF NORMAL HEIGHTS FIRST ADDITION
TO DURANT, OKLAHOMA

DATE

11-17-21

SCALE

1" = 20'

SHEET NO.

1 OF 1



THE CITY OF DURANT

Office of Community Development

Date: 04/05/2022
To: Planning Commission
Case: PC 2022-08
From: Danielle O'Neal, Community Development Director
Re: Rezoning Request from A-1, General Agriculture to C-2, Commercial Highway and Commercial Recreation for property located at 3202 W. University Boulevard

Request: Consider a request from All Star Investment, LLC, for a rezoning of the property located at 3202 W. University Boulevard from A-1, General Agriculture to C-2, Commercial Highway and Commercial Recreation

Current Zoning: A-1, General Agriculture

Requested Zoning: C-2, Commercial Highway and Commercial Recreation

Surrounding Properties:

Direction	Zoning	Use
North	C-2	Vacant
West	C-2	Vacant
South	C-2	Commercial Uses
East	C-2	Commercial Uses

Lot Characteristics:

Width	~ 80 ft.
Depth	~330 ft.
Total Area	~0.06 acres (~26,400 sq. ft.)

Applicant: All Star Investment, LLC

Background: The applicant approached staff regarding the rezoning of this property with the desire to be able to develop this property for commercial uses. It should be noted, that the lot does not meet the lot area requirements for the current zoning district.

Notifications have been made to the surrounding property owners and at the time of this report staff has not received any phone calls or letters regarding this rezoning request.

Analysis: The aforementioned property is approximately 0.06 acres and currently has a house on the lot. The area is made up of a mix of Commercial, Residential and Agriculture Zoned properties. The subject property does meet the requirements for the lot area that is required within the requested zoning type. However, the lot does not meet the lot width requirement for the requested zoning district. The requested zoning category requires a lot width of 100 feet and the current lot width is 80 feet.

The current Future Land Use Map has this area as commercial land uses; therefore, this rezoning request is generally in line with the Future Land Use Map.

Staff Recommendation: Staff's only concern with the rezoning request is the property does not meeting the lot width requirement for the requested zoning district.

Required Action: Hold a public hearing to recommend approval or denial of the rezoning request for the property located at 3202 W. University Boulevard. Any specific conditions imposed by the Commission should be read into any approval motion.

ORDINANCE NO. O-2022-XX

**AN ORDINANCE AMENDING THE ZONING MAP OF THE ZONING CODE
AND DECLARING AN EMERGENCY**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DURANT, OKLAHOMA

SECTION 1. That the zoning map is hereby amended as to replace the A-1, General Agriculture Zoning District to the C-2, Commercial Highway and Commercial Recreation Zoning District for property located at 3202 W. University Boulevard, in Durant, and more particularly described as;

E/2 S/2 E/2 W/2 SE/4 SE/4 NE/4 of Section 25, Township 6 South, Range 8 East of the Indian Base and Meridian, in Bryan County, Oklahoma, according to the Government Survey thereof.

SECTION 2. For the immediate preservation of the peace, health, and safety of the City of Durant, Oklahoma and the inhabitants thereof, it is necessary that this ordinance shall become operative and go into effect immediately upon its passage, approval and publication.

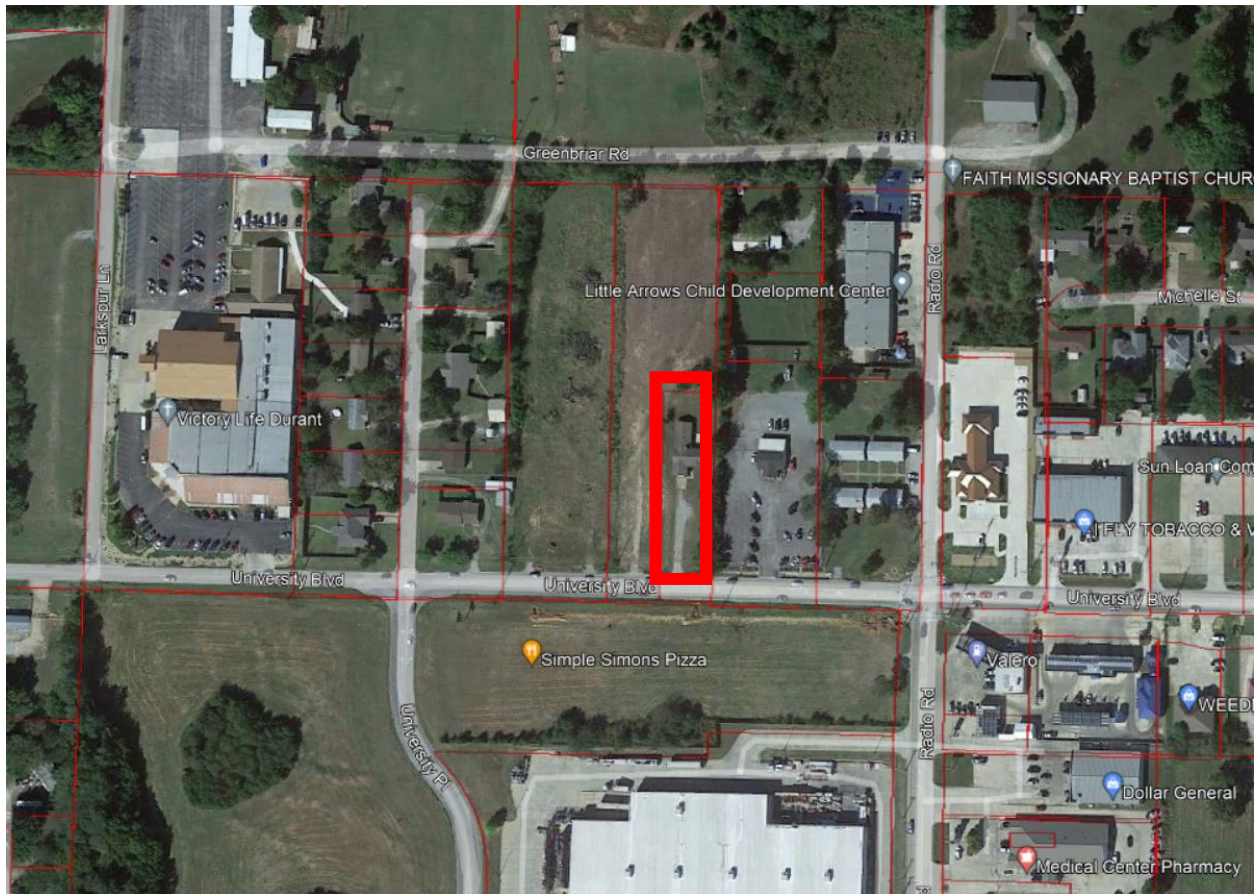
PASSED AND APPROVED by the Mayor and City Council of the City of Durant this 12th day of April, 2022.

Oden Grube, Mayor
City Of Durant, Oklahoma

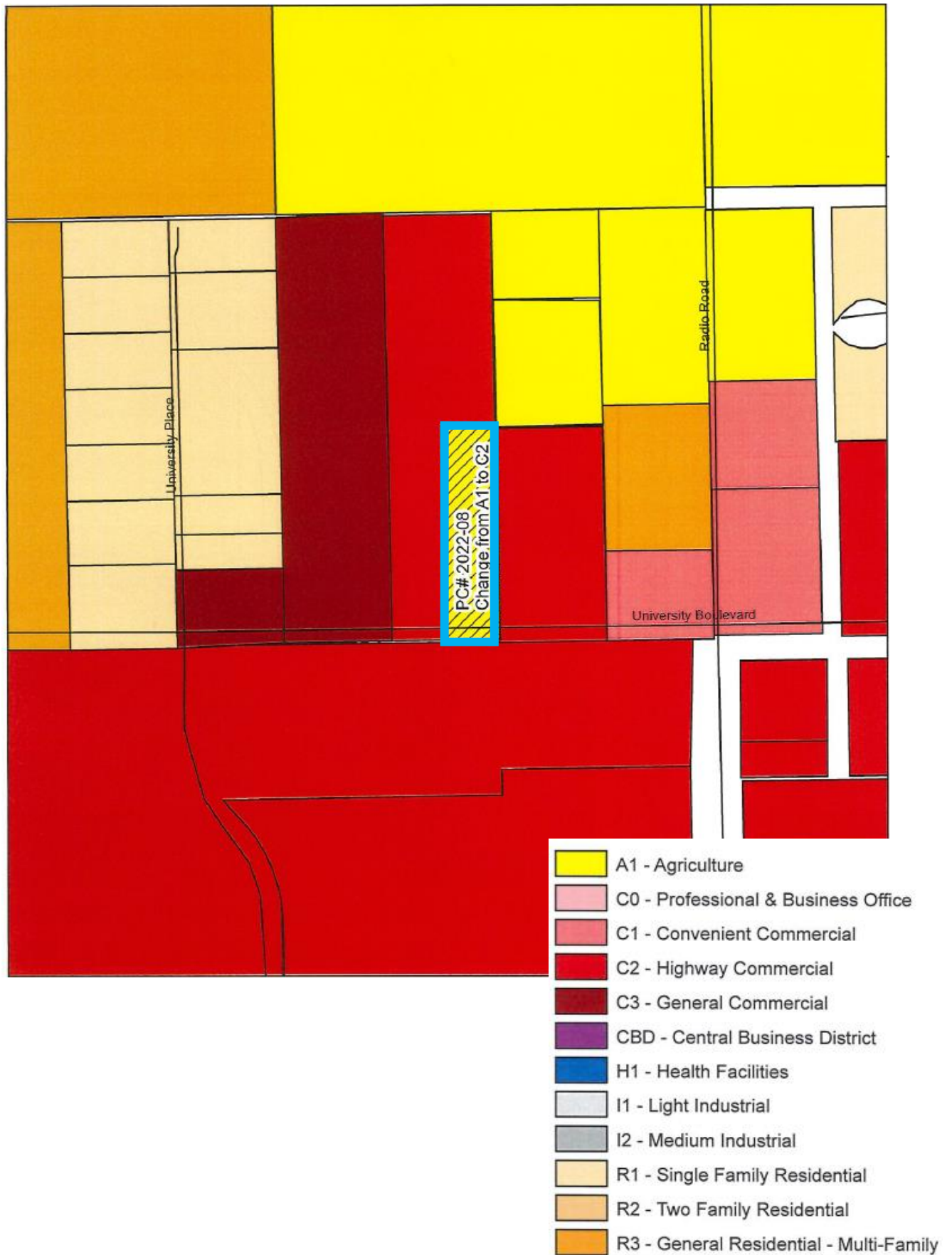
ATTEST:

Cynthia J. Price, City Clerk

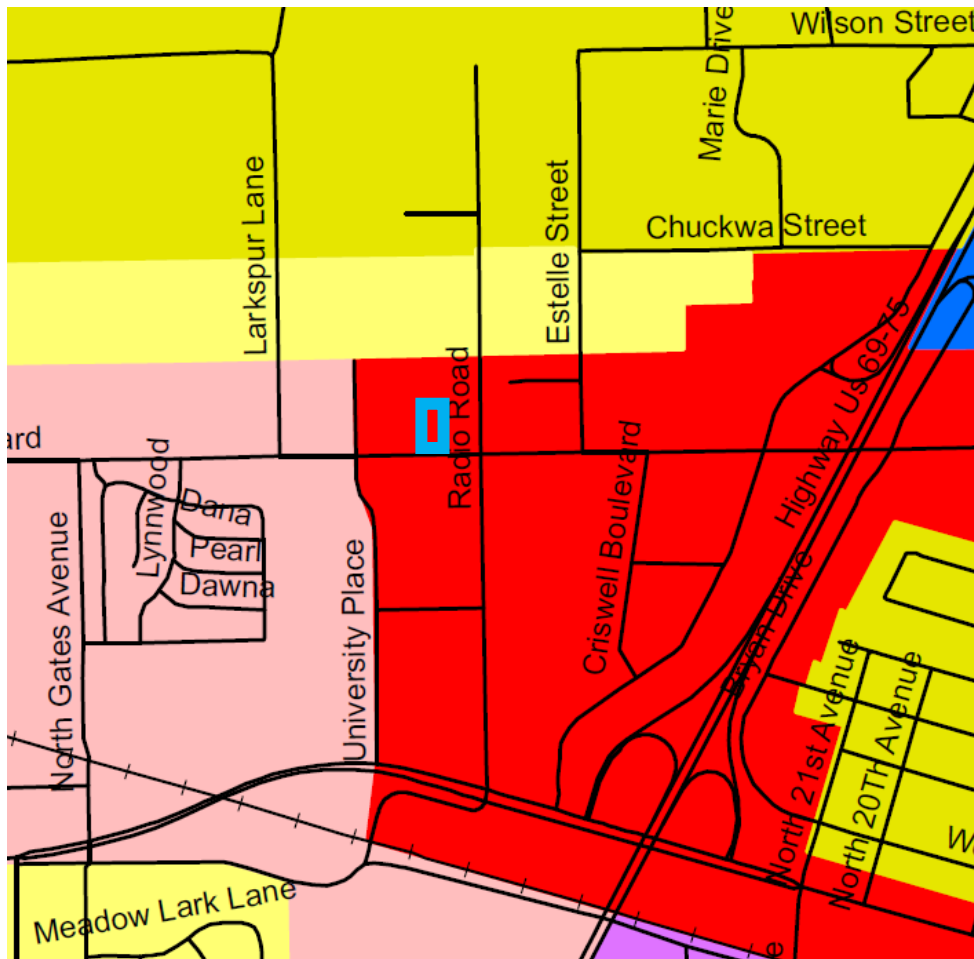
Aerial Map



Zoning Map



Future Land Use Map



Location is approximate

Future Land Use



§ 156.028 C-2 HIGHWAY COMMERCIAL AND COMMERCIAL RECREATION DISTRICT.

This commercial district is established as a district in which the principal use of land is for establishments offering accommodations, supplies, or services to motorists and for certain specialized uses, such as retail outlets, extensive commercial amusements, and service establishments which may serve the entire community but do not and should not locate in the Central Business District or the Convenience District.

(Prior Code, § 157.026) (Ord. 1040, passed 4-12-1983)

REZONING APPLICATION

Petition # PC 2022-08
 Fee \$ 300

APPLICANT INFORMATION

Name: <u>All Star Investments, LLC</u>	Email: <u>Kickinheyahoo.com</u>	Phone #1: <u>580-920-5897</u>
Mailing Address: <u>4709 W University Blvd</u>		Phone #2: <u>580-920-5890</u>
City: <u>Durant</u>	State: <u>OK</u>	Zip: <u>74701</u>
Applicant's Interest in Property: <u>owner</u>		

☐ Please use attached addendum if there is more than one applicant.

Physical Address of Rezoning Request: <u>3202 W University Blvd Durant, OK 74701</u>			
☐ Platted	Subdivision	Lot	Block
☐ Un-Platted			
Legal Description: <u>The E 1/2 S 1/2 E 1/2 W 1/2 SE 1/4 SE 1/4 NE 1/4 of Section 25, Township 6, Range 8, East of the Indian Base Meridian, Bryan Co, OK</u>			
☐ Deed Attached (required) If applicant is not owner listed on deed, owner consent must be included.			

Request Rezoning From: <u>Agriculture</u>		Request Rezoning To: <u>C-2</u>	
Present Use: <u>residence</u>		Proposed Use: <u>office</u>	
Parcel Width: <u>82'</u>	Parcel Length: <u>330'</u>	Acres: <u>.62 ac</u>	Street/Road Frontage: <u>82'</u>
☒ City Water (If City Water will be extended or improvements will be made, please explain:)			
☒ City Sewer (If City Sewer will be extended or improvements will be made, please explain:)			
☐ Private Water		☐ Private Sewer	
Is Property in the Floodplain?	Is property in the Airport Zone.		
<u>no</u>	<u>no</u>		

The applicant has prepared this application and supporting documentation and certifies that the facts stated herein and exhibits attached hereto are true and correct.

Wesley W. Hender

Signature of Applicant

2-16-22

Date

Office Use Only

Date Filed	Date Payment Received	Notification Mailed	Comments
Initial	Initial	Initial	
Proof of Publication Received		Property Posting Verified	Comprehensive Plan Recommendations
Date	Initial	Date	Initial
Staff Recommendation	PC Recommendation	City Council Action	Ordinance #
☐ Approve ☐ Deny	☐ Approve ☐ Deny	☐ Approve ☐ Deny	

RECEIVED

FEB 16 2022

REZONING SUPPORTING INFORMATION

1. List the changed or changing conditions in the area or in the City which makes this zone change necessary.

all land surrounding this lot is commercial.

2. Indicate whether or not this zone change is in accordance with the Comprehensive Plan. If it is not, explain why the Plan is incorrect.

3. List any other reasons to support this zone change.

INDEXED

WARRANTY DEED
(INDIVIDUAL)

567449
State of Oklahoma
County of Bryan
Filed 3-29-05
Book 1000 Page 180 Trm 11:50
Patricia L. Brady
County Clerk TA Deputy.

KNOW ALL MEN BY THESE PRESENTS:

That, **DANIEL J. MESTER II a/k/a DANIEL JOHN MESTER II**, a single person, party of the first part, in consideration of the sum of Ten and more (\$10.00) Dollars, the receipt of which is hereby acknowledged, do by these presents grant, bargain, sell and convey unto **ALL STAR INVESTMENT, LLC**, 19252 U.S. Hwy 70, Durant, OK 74701, party of the second part, the following described real property and premises, situated in Bryan County, State of Oklahoma, to-wit:

E/2 S/2 E/2 W/2 SE/4 SE/4 NE/4 of Section 25, Township 6 South, Range 8
East of the Indian Base and Meridian, in Bryan County, Oklahoma,
according to the Government Survey thereof.

R.S. \$141.00

together with all the improvements thereon and the appurtenances thereunto belonging, and warrant the title to the same.

TO HAVE AND TO HOLD said described premises unto party of the second part, its heirs and assigns, forever, free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature.

SIGNED AND SEALED this the 28th day of March, 2005.

Daniel J. Mester II
DANIEL J. MESTER II a/k/a
DANIEL JOHN MESTER II

STATE OF OKLAHOMA)
)ss. ACKNOWLEDGMENT
COUNTY OF BRYAN)

Before me, the undersigned, a Notary Public in and for said County and State, on this 28th day of March, 2005, personally appeared DANIEL J. MESTER II a/k/a DANIEL JOHN MESTER II, a single person, to me known to be the identical person who executed the within and foregoing instrument, and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal this day and year last above written.

My Commission Expires



Melissa Cathers
NOTARY PUBLIC

000180



THE CITY OF DURANT

Office of Community Development

Date: 04/05/2022
To: Planning Commission
Case: PC 2022-09
From: Danielle O'Neal, Community Development Director
Re: Conditional Use Permit request to place a billboard sign on property located 4516 W. Main Street.

Request: Consider a request from Dale Goad (property owner), for a Conditional Use Permit request to place a billboard sign on the property.

Current Zoning: I-1, Light Industrial

Surrounding Properties:

Direction	Zoning	Use
North	I-1	Vacant
West	C-2 / I-1	Residential Uses
South	C-2	Vacant
East	C-2 / I-1	Industrial uses

Lot Characteristics:

Width	~ 362 ft.
Depth	~507 ft.
Total Area	~2.00 acres (~183,534 sq. ft.)

Applicant: Dale Goad

Background: The applicant approached staff regarding the desire to place a billboard sign on the property. The property owner has a lease with R&R Signs to place the billboard. The property is within the Highway Overlay District; therefore, per City Ordinance, they are required to apply for a Conditional Use Permit for the placement of a billboard sign.

Notifications have been made to the surrounding property owners and at the time of this report staff has not received any calls or emails regarding this Conditional Use Permit request.

Analysis: The aforementioned property is approximately 2 acres and currently has commercial / industrial businesses on the property. The area is made up of a mixture of Industrial, Agriculture and Commercial Zoned properties. Ordinances do allow a billboard to be within the Highway Overlay District; however, they are required to obtain a Conditional Use Permit. The billboard is expected to be 60 feet in height and 384 square feet. The billboard will be located 40 feet from the Main Street property line and 60 feet from the West property line. Given this information, the billboard does meet the requirements within the Sign Ordinance.

The current Future Land Use Map has this area as commercial / residential mixed use; therefore, this conditional use permit request appears to be in line with the Future Land Use Map.

Staff Recommendation: Staff does not have any problems with this request, but it should be noted the applicant or their representative will be required to pull a sign permit if the request is approved.

Required Action: Hold a public hearing to recommend approval or denial of the conditional use permit request for the property located at 4516 W. Main Street. Any specific conditions imposed by the Commission should be read into any approval motion.

RESOLUTION # R-2022-XX

A RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT IN THE HIGHWAY OVERLAY DISTRICT FOR A PARCEL OF LAND LOCATED AT A PART OF THE SW/4 SW/4 OF SECTION 25, TOWNSHIP 6 SOUTH, RANGE 8 EAST OF THE INDIAN BASE AND MERIDIAN, BRYAN COUNTY, OKLAHOMA, DESCRIBED AS BEGINNING AT A POINT 336.74 FEET WEST AND 102.12 FEET NORTH OF THE SOUTHEAST CORNER OF THE SW/4 SW/4 OF SAID SECTION 25 ON THE NORTH HIGHWAY RIGHT-OF-WAY; THENCE NORTH 517.02 FEET; THENCE EAST 168.48 FEET; THENCE SOUTH 516.24 FEET TO HIGHWAY RIGHT-OF-WAY; THENCE SOUTH 89 DEGREES 53 MINUTES WEST 168.37 FEET ALONG HIGHWAY RIGHT-OF-WAY TO THE POINT OF BEGINNING.

KNOWN AS 4516 W. Main Street

(Petition of Dale Goad / R&R Signs)

WHEREAS, a Public Hearing was held before the Durant Planning Commission regarding the proposed Conditional Use Permit contained in this Resolution; and

WHEREAS, the Durant Planning Commission has determined that the proposed billboard sign is in general conformance with the goals of the Comprehensive Plan of the City of Durant if developed according to the conditions contained in the Resolution; and

WHEREAS, the Durant Planning Commission has determined that the proposed billboard sign satisfies the criteria for conditional uses as set forth in the Zoning Code of the City of Durant if developed to the conditions contained in this Resolution; and

WHEREAS, the Durant Planning Commission has determined that there is a reasonable and proportionate connection between the conditions contained in the Resolution and the findings of fact contained in the staff report on Petition # PC2022-09; and

WHEREAS, the Durant Planning Commission has recommended approval of the conditions contained in the Resolution; and

WHEREAS, the City Council has reviewed the recommendation of the Durant Planning Commission and has determined that the Conditional Use Permit is appropriate.

NOW THEREFOR BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DURANT, OKLAHOMA, AS FOLLOWS:

Section 1: A Conditional Use Permit is granted subject to all rules and regulations and to conditions set forth for the property described in Section 1 as follows:

- I. PERMITTED AND CONDITIONAL USES
 - a. Dale Goad / R&R Signs may be permitted to construct a single billboard sign to be located at 4516 W Main Street.
- II. SPECIFIC DEVELOPMENT REQUIREMENTS
 - a. Building Codes – The billboard sign shall meet the guidelines as stated in Title XV, Chapter 150 and Chapter 158, Code of Ordinances.
 - b. Signage – Shall meet the guidelines as stated in Chapter 158, Code of Ordinances, including the requirement of obtaining a sign permit.
 - c. Trash and Weeds – The area shall meet the requirements of §95.31, Trash and Weeds, Unlawful.

- d. Parking – Shall meet all parking requirements for off-street parking as stated in Chapter 156, Code of Ordinances.
- e. Lighting – Shall meet and follow the guidelines as stated in Chapter 158, Code of Ordinances.
- f. Fire Lanes and all Life Safety – As approved by the City of Durant Fire Marshal.

III. MISCELLANEOUS

- a. All applicable licenses and permits from other governmental and regulatory agencies must be obtained and kept current.

IV. LIMITATIONS

- a. The continuation of the use permitted by the resolution shall be dependent upon the conditions established under the permit and this section. In the event of a change of conditions or noncompliance with conditions, the City Council shall have the authority to revoke the Conditional Use Permit after affording the owner/operator the right to be heard.
- b. In the event of a disagreement between any owner/operator and the Director of Community Development as to whether the use of the site meets the criteria or conditions set forth in the resolution, such disagreement shall be submitted to the Planning Commission for recommendation to the City Council. The City Council shall make the decision on such disagreement, provided the owner/operator shall have the right to appeal such decision pursuant to Chapter 157 of the City of Durant Code of Ordinances and to pursuant to any other available legal or equitable remedy.

Section 3: This Resolution shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this 12th day of April 2022.

ODEN GRUBE, MAYOR
CITY OF DURANT, OKLAHOMA

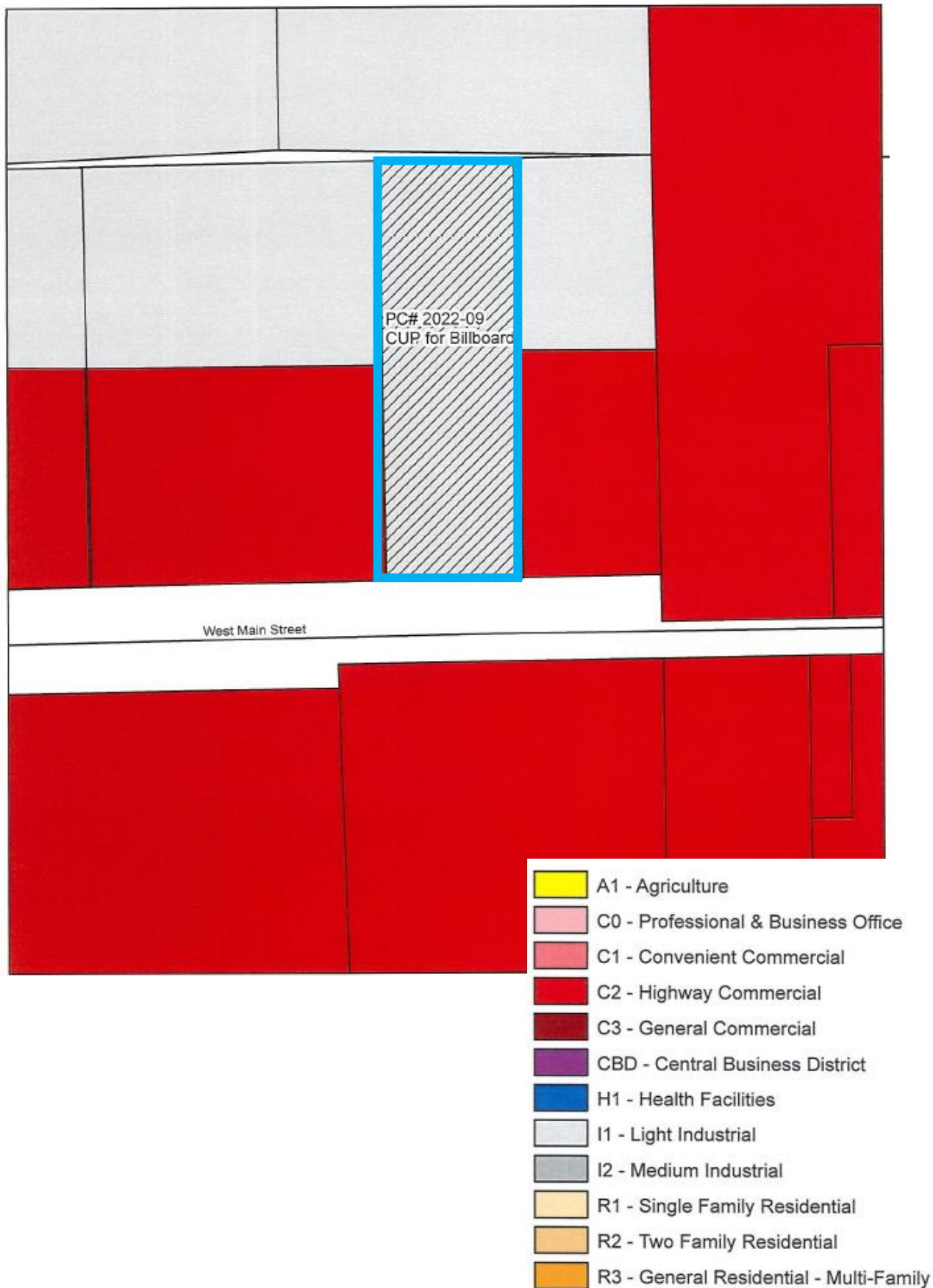
ATTEST:

CYNTHIA J. PRICE
CITY CLERK

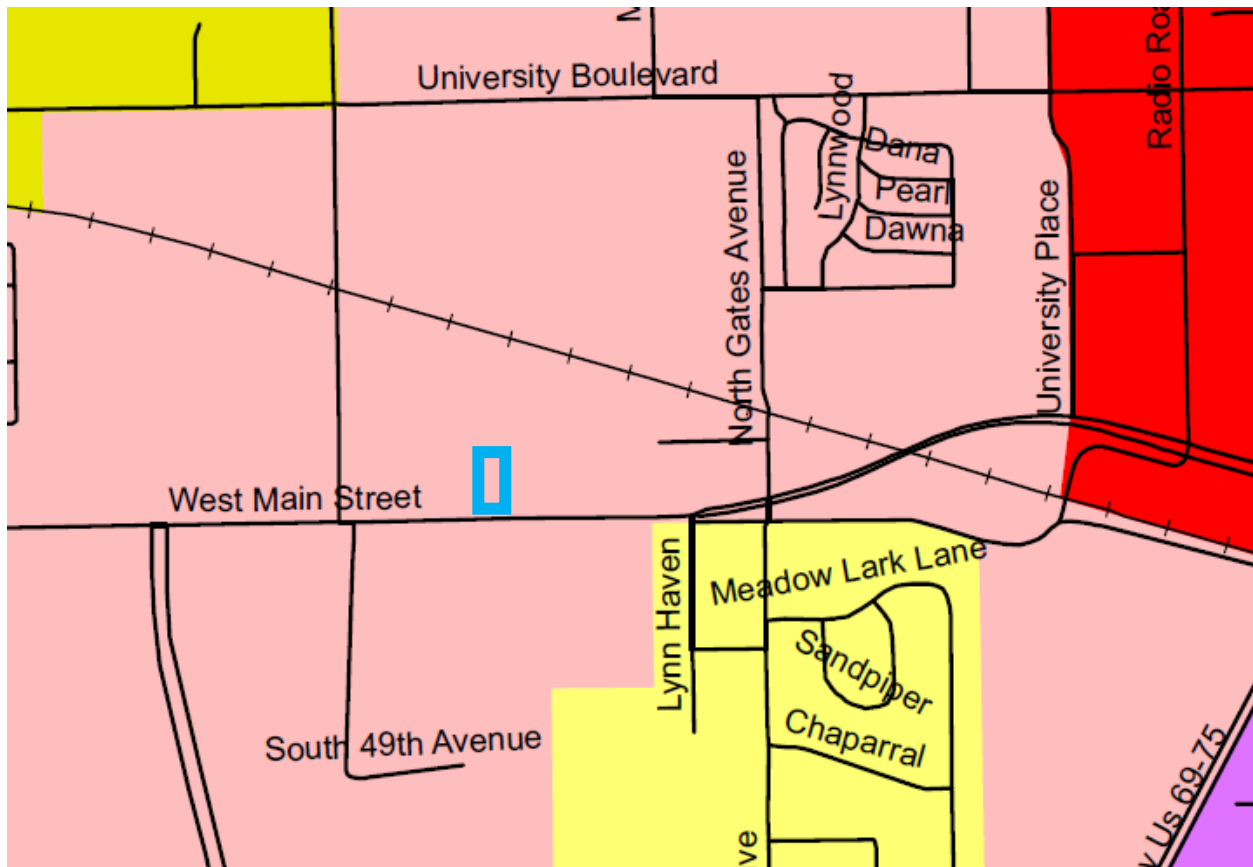
Aerial Map



Zoning Map



Future Land Use Map



Location is approximate

Future Land Use



CHAPTER 158: SIGN REGULATIONS

Section

- 158.01 Purpose
- 158.02 Applicability
- 158.03 Binding effect
- 158.04 Definitions
- 158.05 Sign standards by zoning district
- 158.06 Nonconforming signs
- 158.07 General provisions for on-site signs
- 158.08 Standards for specific types of signs
- 158.09 Signs within the Highway Overlay District
- 158.10 Prohibited signs
- 158.11 Sign permits
- 158.12 Sign permits: initial and continuing; lapse of sign permit; and assignment of sign permit
- 158.13 Inspections
- 158.14 Exemptions from sign permit requirements
- 158.15 Comprehensive sign program
- 158.16 Abandoned signs
- 158.17 Illegal signs
- 158.18 Violations, enforcement, and remedies
- 158.19 Tables

§ 158.01 PURPOSE.

This chapter provides standards for on-site and off-site signs to safeguard life, health, property, safety, and public welfare, while encouraging creativity, variety, and compatibility, and enhancement of the city's image. The provisions of this chapter are intended to:

(A) Encourage signs that are responsive to the aesthetics and character of their particular location, adjacent buildings and uses, and the surrounding neighborhood. Signs should be compatible and integrated with the building's architectural design; and

(B) Recognize that signs are a necessary form of communication, and provide flexibility within the sign review/approval process to allow for unique circumstances and creativity.

(Prior Code, § 159.01) (Ord. 1870, passed 12-11-2018; Ord. O-2021-04, passed 2-9-2021)

§ 158.02 APPLICABILITY.

(A) *Sign permits required.* To ensure compliance with the regulations of this chapter, a sign permit shall be required in order to apply, erect, move, alter, reconstruct, or repair any permanent or temporary sign, except signs that are exempt from permits.

(B) *Sign standards.* The sign standards provided in this chapter are intended to apply to signs in each zoning district in the city. Only signs authorized by this chapter shall be allowed.

(C) *Design guidelines.* The city's sign design guidelines will be used in the evaluation of sign permit applications to ensure that signs are well designed, compatible with their surroundings, and do not detract from the overall visual quality of the city.

(Prior Code, § 159.02) (Ord. 1870, passed 12-11-2018; Ord. O-2021-04, passed 2-9-2021)

§ 158.03 BINDING EFFECT.

After approval of a comprehensive or lot signage plan, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan. In case of any conflict between the provisions of such a plan and any other provision of this chapter, this chapter shall control.

(Prior Code, § 159.03) (Ord. 1870, passed 12-11-2018; Ord. O-2021-04, passed 2-9-2021)

§ 158.04 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED SIGN. Any sign that advertises a business, lessor, owner, product, service, or activity that is no longer located on the premises where the sign is displayed.

ALTERATION. Any change of copy, sign face, color, size, shape, illumination, position, location, construction, or supporting structure of any sign.

ANIMATED OR MOVING SIGN. A sign that uses movement, lighting, or special materials to depict action or create a special effect to imitate movement.

AREA OF A SIGN. See **SIGN AREA**.

AWNING SIGN. Any sign copy or logo attached to or painted on an awning.

AWNINGS and **CANOPIES.** Roof-like covers that project from the wall of a building for the purpose of shielding a doorway or window from the elements.

BANNER, FLAG, or PENNANT. Any cloth, bunting, plastic, paper, or similar non-rigid material used for advertising purposes attached to any structure, staff, pole, line, framing, or vehicle, not including official flags of the United States, the State of Oklahoma, and other states of the nation, counties, municipalities, official flags of foreign nations, and nationally or internationally recognized organizations.

BILLBOARD. A sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

BLADE/BRACKET SIGN. A small, pedestrian-oriented sign (for example, less than four square feet), that projects perpendicular from a structure (**BRACKET SIGN**) or is hung beneath a canopy (**BLADE SIGN**).

BUILDING FRONTAGE. The building elevation that fronts on a public street where customer access to the building is available.

BUSINESS FRONTAGE. The portion of a building frontage occupied by a single tenant space having a public entrance within the building frontage. For businesses located on the interior of a building without building frontage, the building elevation providing customer access shall be considered the **BUSINESS FRONTAGE**.

BUSINESS IDENTIFICATION SIGN. A sign that serves to identify only the name, address, and lawful use of the premises upon which it is located and provides no other advertisements or product identification.

CANOPIES. See **AWNINGS** and **CANOPIES**.

CHANGEABLE COPY SIGN. A sign designed to allow changing of copy manually.

CHANNEL LETTERS. Three-dimensional individually cut letters or figures, illuminated or un-illuminated, affixed to a structure.

CIVIC EVENT SIGN. A temporary sign, other than a commercial sign, posted to advertise a civic event sponsored by a public agency, school, church, civic-fraternal organization, or similar noncommercial organization.

CONTRACTOR OR CONSTRUCTION SIGN. A sign that states the name of the developer and contractor(s) working on the site and any related engineering, architectural, or financial firms involved with the project.

CONVENIENCE SIGN. A sign that conveys information (for example, restrooms, no parking, and entrance) or minor business identification for directional purposes, and is designed to be viewed by pedestrians and/or motorists.

COPY. Words, letters, numbers, figures, designs, or other symbolic representations incorporated into a sign.

DIRECTIONAL SIGN. Any sign that is designed and erected solely for the purposes of directing vehicular and/or pedestrian traffic within a project.

DIRECTORY SIGN. A sign listing the tenants of a multiple-tenant structure or center.

DOUBLE-FACED SIGN. A sign constructed to display its message on the outer surfaces of two identical and opposite parallel planes.

ELECTRONIC READER BOARD SIGN or **ELECTRONIC GRAPHICS SIGN.** A sign with a fixed or changing display/message, composed of a series of lights that may be changed through electronic means.

EXTERNAL ILLUMINATION. The lighting of an object from a light source located a distance from the object.

FLASHING SIGN. A sign that contains an intermittent or sequential flashing light source.

FREESTANDING BRACKET SIGN. A small pedestrian-oriented sign mounted on the ground using one or more posts, or having a solid monument-type base.

GRAND OPENING. A promotional activity, not exceeding 30 calendar days, used by newly established businesses within two months after initial occupancy, to inform the public of their location and services available to the community. **GRAND OPENING** does not mean an annual or occasional promotion by a business.

HEIGHT OF SIGN. The vertical distance from the uppermost point used in measuring the area of a sign to the average grade immediately below and adjoining the sign.

ILLEGAL SIGN. Any of the following:

- (1) A sign erected without first obtaining a permit and complying with all regulations in effect at the time of its construction or use;
- (2) A sign that was legally erected but whose use has ceased because the business it identifies is no longer conducted on the premises;
- (3) A nonconforming sign for which the amortization period has expired;
- (4) A sign that was legally erected which later became nonconforming and then was damaged to the extent of 50% or more of its current replacement value;
- (5) A sign that is a danger to the public or is unsafe; or
- (6) A sign that pertains to a specific event that has not been removed within five days after the occurrence of the event.

INFLATABLE DEVICE. An object that is blown up with air or gas.

INTERNALLY ILLUMINATED SIGN. A sign whose light source is located in the interior of the sign so that the rays go through the face of the sign, or light source which is attached to the face of the sign and is perceived as a design element of the sign.

MONUMENT SIGN. Permanent sign where the entire bottom of the sign is affixed to the ground, not to a building.

MULTIPLE-TENANT BUILDING. A development consisting of two or more separate uses or tenancies that share either the same parcel or structure and use common access and parking facilities.

MURAL. A painting or other work of art executed directly on a wall.

NEON SIGN. Glass tube lighting in which a gas and phosphors are used in combination to create a colored light.

NONCONFORMING SIGN. An advertising structure or sign which was lawfully erected and maintained prior to the adoption of the city's Zoning Code, and which has subsequently come under the requirements of the city's Zoning Code, but does not now completely comply.

OFF-SITE SIGN. Any sign which advertises or directs attention to a business, commodity, service, or activity conducted, sold, or offered elsewhere than on the same lot or within the same building upon which such sign is located. All **OFF-SITE SIGNS** shall conform to the rules and regulation established by the state for outdoor advertising signs.

ON-SITE SIGN. Any sign used for identifying a use, facility, service, or product that is located, sold, or manufactured on the same premises.

PERMANENT SIGN. Any sign which is not a temporary sign as defined herein.

POLE SIGN. A sign mounted on a freestanding pole or other support so that the bottom edge of the sign face is six feet or more above finished grade.

POLITICAL SIGN. A sign designed for the purpose of advertising support of or opposition to a candidate or proposition for a public election, or a sign expressing political, religious, or other ideological sentiment that does not advertise a product or service.

PORTABLE SIGN. A sign that is not affixed to a structure or the ground (for example, A-frame or sandwich-board signs).

PROJECTING SIGN. A sign that protrudes in a V-shape from the top of the ground floor over the sidewalk, like a traditional theater marquee.

PROMOTIONAL SIGN. A sign erected on a temporary basis to promote the sale of new products, new management, new hours of operation, a new service, or to promote a special sale.

PROPERTY FRONTAGE. The side of a parcel or development site abutting on a public street.

REAL ESTATE SIGN. A sign indicating that a property or any portion thereof is available for inspection, sale, lease, rent, or directing people to a property, but not including temporary subdivision signs.

ROOF SIGN. A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support, and which projects above the highest point of a building with a flat roof, the eave line of a building with gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

SIGN. An object, device display, or structure, or part thereof, situated outdoors or indoors, which is used to identify, display, or direct or attract attention to an object, person, institution, organization, business, product, service, event, or

location, by any means, including words, letters, figures, design symbols, fixtures, colors, illumination, or projected image.

SIGN AREA. The entire area within a perimeter defined by a continuous line composed of right angles which enclose the extreme limits of lettering, logo, trademark, or other graphic representation, together with any frame or structural trim forming an integral part of the display used to differentiate the sign from the background against which it is placed.

SPECIAL EVENT SIGN/BANNER. A temporary sign or banner that is intended to inform the public of a unique happening, action, purpose, or occasion (for example, grand opening or community event).

TEMPORARY SIGN. Any sign or advertising device constructed of cloth, canvas, light fabric, portable cardboard, wood, wallboard, metal, or other light materials, with it without frames, which is intended to be displayed for a limited period of time only and which is portable.

THREE-DIMENSIONAL SIGNS. Signs that have a depth or relief on their surface greater than six inches.

TIMEAND/OR TEMPERATURE SIGN. Signs that accurately display the current local time and/or temperature, usually through arrays of small electric lights. No commercial advertising or other message is allowed.

VEHICLE SIGN. A sign that is attached to or painted on a vehicle that is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or business located on the property.

WALL SIGN. A sign that is attached to or painted on the exterior wall of a structure with the display surface of the sign approximately parallel to the building wall.

(Prior Code, § 159.04) (Ord. 1870, passed 12-11-2018; Ord. O-2021-04, passed 2-9-2021)

§ 158.05 SIGN STANDARDS BY ZONING DISTRICT.

(A) Key. The tables in this chapter are organized by zoning district and have the following meanings:

<i>Abbreviation</i>	<i>District</i>
<i>Abbreviation</i>	<i>District</i>
A-1	Agriculture, General
R-1	Residential, Single-Family Detached
R-2	Residential, Two-Family
R-3	Residential, General
R-4	Residential, Manufactured Housing
CBD	Central Business District
C-0	Commercial, Office
C-1	Commercial, Convenience
C-2	Commercial, Highway and Recreational
C-3	Commercial, General
H-1	Health
I-1	Industrial, Light
I-2	Industrial, Medium
Hwy Overlay	Highway Overlay District

(B) All signs shall comply with the standards of the applicable zoning district, in compliance with the provisions in Tables 1-1 and 1-2.

<i>Table 1-1 Sign Standards for Residential Zoning Districts</i>							
<i>(A-1, R-1, R-2, R-3, R-4)</i>							
<i>Sign Class</i>	<i>Allowed Sign Types</i>	<i>Maximum Number of Signs</i>	<i>Maximum Sign Area</i>	<i>Maximum Sign Height</i>	<i>Location Requirements</i>	<i>Lighting Allowed?</i>	<i>Additional Requirements</i>
Multi-family development identification	Wall or monument	1 for each street frontage	1 sq. ft. for each linear ft. of street frontage; 25 sq. ft. maximum per sign	Below edge of roof; monument (see monument regulation)	Affixed to wall or placed within a landscaped area near building/project entrance	Yes	Name and address of facility only Permit required

Bed and breakfast	Wall or free-standing bracket sign	1 for each street frontage	16 sq. ft. maximum	Below edge of roof; 36 in. freestanding	Affixed to wall or placed within a landscaped area near building entrance	Yes	Name and address of facility only Permit required
Real estate and political signs	Yard sign	1 for each street frontage	4 sq. ft. maximum	N/A	Five feet from curb or street if no curb	No	No permit required
Yard sale	Yard sign	1 for each street frontage at location of sale	4 sq. ft. maximum	N/A	Five feet from curb or street if no curb	No	No permit required

(Prior Code, § 159.05) (Ord. 1870, passed 12-11-2018; Ord. O-2021-04, passed 2-9-2021)

§ 158.06 NONCONFORMING SIGNS.

(A) A legal nonconforming sign is a sign which does not conform to each and every applicable provision of the city's signage regulations, but was:

- (1) Lawfully in existence prior to the passage of Ordinance 1345, as adopted on September 10, 2001;
- (2) Lawfully in existence and in use in the city prior to and at the time the provisions of the city's signage regulations with which it does not conform became effective; or
- (3) Lawfully in existence and in use on property outside the city at the time of annexation of such property to the city.

(B) All legal nonconforming signs, billboards, or commercial advertising structures specifically describing the business or nature of a conforming or legal nonconforming building, structure, or use on the premises may be maintained during the lawful lifetime of the building, structure, or use.

(C) (1) Although the resulting sign will not be in conformance in all respects with the provisions of the signage regulations, a sign permit may be issued to allow replacement, alteration, or relocation on the same parcel of a legal nonconforming sign provided that:

- (a) The resulting sign is no larger in square footage than the original legal nonconforming sign;
 - (b) The resulting sign has received design approval from the Director of Community Development; and
 - (c) The Director of Community Development has determined that the resulting sign will reduce visual clutter or visual blight.
- (2) The resulting sign shall be a legal nonconforming sign.

(D) The Zoning Code shall address all other issues of nonconformance.

(Prior Code, § 159.06) (Ord. 1870, passed 12-11-2018; Ord. O-2021-04, passed 2-9-2021)

§ 158.07 GENERAL PROVISIONS FOR ON-SITE SIGNS.

(A) *Encroachment into public right-of-way.* No sign shall encroach into a public right-of-way, except that a blade/bracket sign attached to a building facade may project a maximum of three feet over a public sidewalk, if the lowest part of the sign is at least 12 feet above the sidewalk surface; and any temporary yard sign no larger than four square feet per side, that advertises a special product, sale event, yard sale, community event, political, or real estate sign may be placed within the public right-of-way five feet back from the curb or street if no curb exists for a maximum of 30 days as long as the above mentioned sign does not block a pedestrian sidewalk, cause a visual nuisance, or block the sign triangle within the city.

(B) *Illumination of signs.* The artificial illumination of signs, either from an internal or external source, shall be designed to eliminate negative impacts on surrounding rights-of-way and properties. The following standards shall apply to all illuminated signs:

- (1) External light sources shall be directed and shielded to limit direct illumination of any object other than the sign;
- (2) The light from an illuminated sign shall not be of an intensity or brightness that will create a negative impact on residential properties in direct line of sight to the sign;
- (3) Colored lights shall not be used at a location or in a manner so as to be confused or construed as traffic control devices;
- (4) Reflective type bulbs and incandescent lamps that exceed 15 watts shall not be used on the exterior surface of signs so that the face of the bulb or lamp is exposed to a public right-of-way or adjacent property; and
- (5) Light sources shall utilize energy efficient fixtures to the greatest extent possible.

(C) *Measurement of sign area.*

(1) The surface area of a sign shall be calculated by enclosing the extreme limits of all lettering, background, emblem, logo, representation, or other display within a single continuous perimeter composed of squares or rectangles with no more than eight lines drawn at right angles.

Figure 1-1

Sign Area Measurement

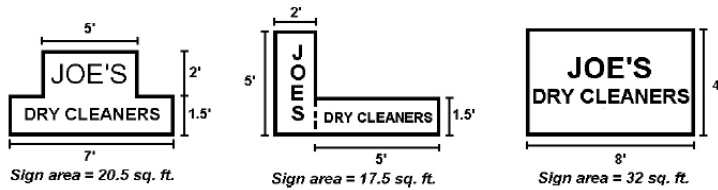


Figure 1-1
Sign Area Measurement

(2) Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area.

(3) Double-faced (back-to-back) signs shall be regarded as a single sign only if mounted on a single structure, and the distance between each sign face does not exceed two feet at any point. Only one face of a double-faced sign shall be measured when determining maximum allowable area except for off-site billboards.

(4) Where a sign consists of one or more three-dimensional objects (for example, balls, cubes, clusters of objects, sculpture, or statue-like trademarks), the sign area shall be measured as their maximum projection upon a vertical plane. Time and temperature devices shall not be included within the measurement of maximum sign area.

(D) *Measurement of sign height.* The height of a sign shall be measured as the vertical distance from the uppermost point used in measuring the area of the sign to the average grade immediately below and adjoining the sign.

(E) *Sign copy.* The sign copy (text) of permanent signs shall relate only to the name and/or nature of the business. Permanent signs that advertise continuous sales, special prices, and the like, shall not be allowed.

(F) *Sign maintenance.* Signs and supporting hardware, including temporary signs and time/temperature signs, shall be structurally safe, clean, free of visible defects, and functioning properly at all times. Repairs to signs shall be equal to or better in quality of materials and design than the original sign.

(G) *Sign removal or replacement.* When a sign is removed or replaced, all brackets, poles, and other structural elements that supported the sign shall also be removed. Affected building surfaces shall be restored to match the adjacent portion of the structure.

(Prior Code, § 159.07) (Ord. 1870, passed 12-11-2018; Ord. O-2021-04, passed 2-9-2021)

§ 158.08 STANDARDS FOR SPECIFIC TYPES OF SIGNS.

(A) *Awning and canopy signs.* Awning and canopy signs may be permitted only as an integral part of the awning or canopy to which they are attached or applied, as follows.

(1) *Location.* Signs may be placed only on awnings that are located on first- and second-story building frontages, including those fronting a parking lot or pedestrian way.

(2) *Lighting.* Awnings shall not be internally illuminated except as part of a creative sign.

(3) *Required maintenance.* Awning and canopy signs shall be regularly cleaned and kept free of dust and visible defects.

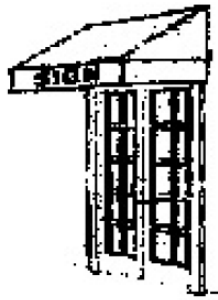
Figure 1-2

Canopy/Awning Sign

Figure 1-3

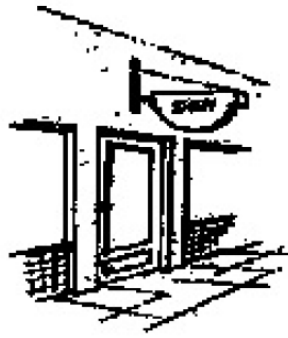
Blade/Bracket Sign

**Figure 1-2
Canopy/Awning Sign**



**Figure 3-2
Canopy/Awning Sign**

**Figure 1-3
Blade/Bracket Sign**



**Figure 3-3
Blade/Bracket Sign**

(B) *Blade/bracket signs.*

(1) *Location.* Blade or bracket signs shall be placed only on a ground floor facade, except for businesses located above the ground level with direct exterior pedestrian access.

(2) *Maximum area and height.* The maximum sign area shall be four square feet. The lowest point of a blade or bracket signs shall be at least eight feet above finished grade.

(3) *Sign structure.* Sign supports and brackets shall be compatible with the design and scale of the sign.

(C) *Changeable copy signs; limitations on use and sign area.* Changeable copy signs may only be allowed:

(1) In conjunction with facilities used exclusively for the presentation of theatrical, cultural, or religious events subject to the approval of a comprehensive sign program and limited to a maximum area of eight square feet; or

(2) To advertise products, services, and prices in conjunction with a retail business and limited to a maximum area of 32 square feet.

(D) *Freestanding bracket signs.* A freestanding bracket sign may be allowed when the Director determines that a wall sign would not be easily seen from the street and there is sufficient area on the site to accommodate a freestanding sign.

(1) *Location.* The sign may be located only on a site frontage adjoining a public street.

(2) *Maximum area and height.* The area of the sign shall be counted towards the maximum allowable sign area for the use. The sign shall have a maximum height of three feet and the maximum area of four square feet.

(3) *Sign mounting.* The sign shall be mounted on one or more posts or have a solid monument-type base. Posts shall not have a diameter greater than 12 inches.

Figure 1-4

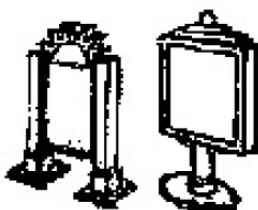
Figure 1-5

Freestanding Bracket Sign

Monument Sign

**Figure 1-4
Freestanding Bracket Sign**

**Figure 1-5
Monument Sign**



(E) *Monument signs.* Monument ground signs shall be permitted to be located on a property line fronting a non-residential street under the following conditions when located in a non-residential district:

(1) *Area allowable (size).* Fifty square feet as situated at the property line, 100 square feet total for all sides of the sign at the property line. The monument ground sign allowed shall have no less than 50% of the width of the sign support base consisting of masonry or other architecturally compatible materials to the building;

(2) *Height.* Six feet at the property line;

(3) *Number of signs.* Only one monument ground sign shall be permitted per property ownership except when there is a single ownership fronting on two non-residential streets; and, in that case, one additional sign shall be permitted with at least one of the two signs being located in excess of 300 feet from the intersection, as measured from the property line;

(4) *Landscaping.* Minimum landscaping shall be required for all monument ground signs. There shall be landscaping around the monument ground sign structure equal to or greater than the total of both sides of the sign, consisting of plant and/or tree units other than sod. Landscaping must be maintained at all times. Landscaping may be allowed to extend onto the public right-of-way as long as such landscaping does not interfere with the normal and safe operation of the abutting street and does not exceed a height of two feet. The city and other utility providers in the right-of-way shall not be liable for the removal of landscaping in the right-of-way for utility, street, and other work that may need to be performed in the right-of-way; and

(5) *Public easements.* No ground monument sign may be located in an easement dedicated to the city.

(F) *Time and/or temperature signs.* A time and/or temperature sign may be permitted on a site in addition to the other signs allowed by this chapter.

(1) *Maximum area and height.* The sign shall have a maximum area of 32 square feet.

(2) *Design.* The sign shall be designed in a manner that is compatible with other signs on the site and with the structure on which it is placed.

(G) *Wall signs.* Where allowed, a wall sign shall comply with the following additional requirements.

(1) *Location.* The sign shall not be placed to obstruct any portion of a window, doorway, transom, or other architectural detail.

(2) *Maximum area and height.* The sign shall not project above the edge of the roof of a structure, unless approved by the Building Official.

(3) *Projection from wall.* The sign shall not project from the surface upon which it is attached more than required for construction purposes and in no case more than 12 inches for three-dimensional elements on all signs.

(H) *Welcome identification signs.* Welcome identification sign is an off-site sign for the identification of a specific church or civic organization.

(1) *Standards.* Welcome identification signs shall not:

- (a) Interfere with pedestrian or vehicular safety;
- (b) Detract from the pedestrian quality of the surrounding area; or
- (c) Add to an over proliferation of signs on property or in an area.

(2) *Maintenance required.* The owner of the signs shall keep ongoing cleaning, maintenance, and repair of the sign.

(Prior Code, § 159.08) (Ord. 1870, passed 12-11-2018; Ord. O-2021-04, passed 2-9-2021)

§ 158.09 SIGNS WITHIN THE HIGHWAY OVERLAY DISTRICT.

(A) *Purpose.* This section provides standards for off-site signs and on-site signs within the Highway Overlay District.

(B) *Applicability.* A sign permit shall be required for the establishment of any sign allowed under the provisions of this section.

(C) *Approval authority.* The Planning Commission and City Council shall have the authority to approve billboards through the conditional use permit process. The Director or his or her designee may approve all other signs.

(D) *On-site signs and billboards.* On-site signs located within the Highway Overlay District shall have a height restriction of 90 feet and maximum size of 300 square feet.

(E) *Billboards.* A billboard may be approved in compliance with this section. The following regulations are intended to encourage billboards that make a positive visual contribution to the overall image of the city.

(1) *Applicability.* An applicant may request the approval of a sign permit for a billboard only within the Highway Overlay Zoning District.

(2) *Highway Overlay District established.* A Highway Overlay District shall be established by this division. Off-premises signs shall only be permitted within the Highway Overlay District as defined as:

- (a) Seven hundred and fifty linear feet from the center line of U.S. Highway 69/75;
- (b) Seven hundred and fifty linear feet of center line of U.S. Highway 70 west of the intersection of U.S. Highway 70 and U.S. Highway 69/75;
- (c) Seven hundred and fifty linear feet of the center line of U.S. Highway 70 east of Sawmill Road; and
- (d) One thousand two hundred feet north of the center line of U.S. Highway 70 between U.S. Highway 69/75 and 250 linear feet west of the center line of University Place.

(E) *Off-premises signs.* Off-premises signs will only be permitted in commercial and industrial zoned districts, billboards only in the Highway Overlay District.

(F) *On-premises signs and billboards.* On-premises signs located within the Highway Overlay District shall have a height restriction of 90 feet and maximum size of 300 square feet. Billboards shall have a height restriction of 60 feet and maximum size of 750 square feet. The Highway Overlay District only takes precedence on sign height and billboards, all other district restrictions apply. All off-premises signs shall conform to the rules and regulation established by the state for outdoor advertising signs.

(G) *On-premises advertising.* Animated or moving, electronic reader board, or electronic graphics signs used for identifying a use, facility, service, or product that is not located, sold, or manufactured on the same premises shall have a height restriction of 60 feet and maximum size of 32 square feet. The Community Development Director may approve on-premises animated or moving electronic reader board or electronic graphics signs only in the C-2 District. Any other location must be approved by the Planning Commission.

(H) *Billboard location.* Billboards shall not be located within 500 feet of any of the following sites which are adjacent to any road (on the same side):

- (1) Public park;
- (2) Public forest;
- (3) Playground;
- (4) Cemetery;
- (5) Church;
- (6) School;
- (7) Historical battlefield; or
- (8) Rest area.

(I) *Planning Commission review required.* All signs that measure more than 100 square feet in size or more than 45 feet in height, measured from the ground elevation to the highest portion of the actual sign, within 300 feet of a residential district shall be first reviewed by the Planning Commission. All owners of real property located within a 300-foot radius of the proposed sign shall be given written notice and a notice shall be published in a local newspaper of general circulation at least 15 days and not more than 30 days prior to such public hearing. The notice shall contain a legal description of the actual site of the proposed sign, a street address of the property on which the proposed sign shall set upon, general design details (including height, size, and lighting placement) of the proposed sign, and date, time, and place of the public hearing. In addition to the permit fee, a petition and other applicable fees as adopted by the City Council by motion or resolution, shall be paid by the applicant.

(J) *Height exceptions for monument ground signs.* On-premises signs located in the Highway Overlay District may petition the Planning Commission for an exception from the height requirements for a monument ground sign. Under no circumstance shall a monument ground sign exceed 20 feet in height as measured from the base of the sign. The Planning Commission shall take into consideration the setting and appearance of the sign in relation to the site and surrounding development. The Planning Commission may impose additional reasonable requirements and restrictions as a condition of approval. Approval may also be granted to allow signage for more than one tenant within a unified development to be located on the monument ground sign. In addition to the permit fee, a petition and other applicable fees as adopted by the City Council by motion or resolution, shall be paid by the applicant.

(K) *Welcome identification signs.* A welcome identification sign is an off-site sign for the identification of a specific church or civic organization. Welcome identification signs shall not:

- (1) Interfere with pedestrian or vehicular safety;
- (2) Detract from the pedestrian quality of the surrounding area; or
- (3) Add to an over proliferation of signs on one property or in an area.

(L) *Maintenance required.* The owner of the sign shall keep ongoing cleaning, maintenance, and repair of the sign.

(Prior Code, § 159.09) (Ord. 1870, passed 12-11-2018; Ord. O-2021-04, passed 2-9-2021)

§ 158.10 PROHIBITED SIGNS.

The following signs are inconsistent with the purposes and standards of this chapter and are prohibited in all zoning districts:

- (A) Large screen video signs over 32 square feet;
- (B) Notices, placards, bills, posters, cards, stickers, banners, signs, advertisings, or other devices designed to attract the attention of the public that are posted or otherwise affixed upon any street, street furniture, right-of-way, public sidewalk, crosswalk, curb, lamp post, hydrant, tree, alley, telephone pole, public telephone, or lighting system, or other public alarm or communication system;
- (C) Murals, except as may be approved by the City Manager;
- (D) Obscene or offensive signs containing statements, words, or pictures of an obscene or indecent character which appeal to the prurient interest in sex, or which are patently offensive and do not have serious literary, artistic, political, or scientific value;
- (E) Off-site signs not specifically allowed by the provisions of this chapter;
- (F) Painted signs on fences or roofs except addresses;
- (G) Signs advertising home occupations;
- (H) Signs not in compliance with the provisions of this chapter;
- (I) Signs erected in a manner that a portion of their surface or supports will interfere with the free use of a fire escape, exit, or standpipe, or obstruct a required ventilator, door, stairway, or window above the first story, or create other hazards;
- (J) Signs using words, colors, symbols, or characters in a manner that interferes with, misleads, or confuses pedestrian or vehicular traffic and safety;
- (K) Vehicle signs attached to or painted on motor vehicles that are parked other than on or adjacent to property that the business is located for more than 24 consecutive hours, the principal purpose of which is to attract attention to a product sold or business located other than on the property;
- (L) Signs in the public right-of-way that block any section of the pedestrian sidewalk or street;
- (M) Signs in the public right-of-way with the first five feet from the curb or street if no curb exists;
- (N) Roof signs extending past and above the edge of the roof structure;
- (O) Signs emitting audible sounds, odors, or visible matter;
- (P) Inflatable signs and tethered balloons;
- (Q) Beacons;
- (R) Pennants; and
- (S) Strings of lights not permanent anchor points.

(Prior Code, § 159.10) (Ord. 1870, passed 12-11-2018; Ord. 1917, passed 10-13-2020; Ord. O-2021-04, passed 2-9-2021)

§ 158.11 SIGN PERMITS.

Sign permits shall be prepared, filed, processed, and approved or denied in compliance with this section.

(A) *Application processing and fee.* A sign permit application shall include the information and materials required by the Department, and the filing fee set by the city's fee resolution.

(B) *Criteria for approval.* The Director or his or her designee may approve a sign permit if the proposed sign:

- (1) Meets the requirements of this chapter;
- (2) Is in compliance with the sign design guidelines;
- (3) Would not interfere with pedestrian or vehicular safety;
- (4) Would not detract from the character of a historic or architecturally significant structure;
- (5) Would not be located so as to have a negative impact on adjacent property;
- (6) Would not detract from the pedestrian quality of street or area; and
- (7) Would not add to an over proliferation of signs on a particular property or area.

(C) *Revocation or modification of sign permits.* The Director or his or her designee may revoke or modify a sign permit, if it is found that the sign(s) has been erected, altered, reconstructed, or is being maintained in a manner that is inconsistent with the approved permit.

(D) *Temporary signs.* Temporary signs on commercial or industrial property shall be allowed only upon the issuance of a

temporary sign permit, which shall be subject to the following requirements.

(1) *Term.* A temporary sign permit shall allow the use of a temporary sign for a specified 30-day period.

(2) *Number.* Only one temporary sign permit shall be issued to the same business or business owner on the same zone lot in any calendar year, unless otherwise determined by the city staff.

(E) *Note.* No permits for temporary signs in the public right-of-way shall be issued.

(Prior Code, § 159.11) (Ord. 1870, passed 12-11-2018; Ord. O-2021-04, passed 2-9-2021)

§ 158.12 SIGN PERMITS: INITIAL AND CONTINUING; LAPSE OF SIGN PERMIT; AND ASSIGNMENT OF SIGN PERMIT.

(A) The owners of a zone lot containing signs requiring a permit under this chapter shall at all times maintain in force a sign permit for such property. Sign permits shall be issued for individual zone lots, notwithstanding the fact that a particular zone lot may be included with other zone lots in a comprehensive signage plan.

(B) A continuing sign permit shall lapse automatically if the business license for the premises lapses, is revoked, or is not renewed. A sign permit shall also lapse if the business activity on the premises is discontinued for a period of 90 days or more and is not renewed within 30 days of a notice from the city to the last permittee or owner of record that the sign permit shall lapse if such activity is not renewed.

(C) A current and valid sign permit shall be freely assignable to a successor as owner of the property or holder of a business license for the same premises, subject only to filing such application as the city may require and paying any applicable fee. The assignment shall be accomplished by filing and shall not require approval if no substantial changes have been made to the sign.

(Prior Code, § 159.12) (Ord. 1870, passed 12-11-2018; Ord. O-2021-04, passed 2-9-2021)

§ 158.13 INSPECTIONS.

The city shall inspect the zone lot for which a permit for a new sign or for modification of an existing sign is requested and/or issued. This inspection shall occur within a reasonable time of notification by the contractor, owner, and the like of completion of the specific sign. If the construction is substantially complete but not in compliance with this chapter and applicable codes, the city shall give the owner or applicant notice of the deficiencies and shall allow an additional 30 days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse. Once the sign is constructed and meets city's Building, Electrical and Mechanical Codes and ordinances, the city shall affix to the premises and/or sign a permanent symbol identifying the sign and the applicable permit by number or other reference.

(Prior Code, § 159.13) (Ord. 1870, passed 12-11-2018; Ord. O-2021-04, passed 2-9-2021)

§ 158.14 EXEMPTIONS FROM SIGN PERMIT REQUIREMENTS.

(A) Sign permits shall not be required for the signs listed in this division (A). These exempt signs shall not be included in the determination of the total allowable number of signs or total allowable sign area for a site.

(1) *Official flags.*

(a) Flags of incorporated nonprofit organizations or service clubs, provided that the pole height shall not exceed 25 feet above finished grade within five feet of the pole if located on the ground or ten feet if located on a roof. The length of the flag shall not exceed one-quarter of the height of the pole. No more than three flags per use shall be allowed. Larger flags may be allowed subject to approval by the Director or his or her designee.

(b) Flags of the United States, the State of Oklahoma, the City of Durant, the Choctaw Nation, foreign nations having diplomatic relations with the United States, and any other flag sanctioned by the City Council, provided that such a flag shall now exceed 80 square feet in area and shall not be flown from a pole the top of which is more than 40 feet in height. Flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting any one or more of these conditions shall be considered a banner sign and shall be subject to regulations as such.

(2) *Permanent signs without size limitations.*

(a) *Official signs.* Official and legal notices required by a court or governmental agency.

(b) *Government signs.* A sign erected by a federal or state agency or the city.

(c) *Signs in the public right-of-way.* Off-site signs that are part of an accessory to pay phones, trash receptacles, and other similar street furniture located in the public right-of-way and installed by the city or in compliance with an agreement with the city. This includes banners attached to streetlights and other similar structures.

(3) *Permanent signs with size and number limitations.*

(a) *Affiliation signs.* Signs that provide notices of services (for example, trade affiliations, credit cards accepted) provided the signs are attached to the structure. Signs or notices shall not exceed one-half square foot in area for each sign,

and no more than three signs are allowed for each business.

(b) *Changeable copy signs.* Signs with readily changeable copy/text (for example, chalkboard) limited to one sign per business not to exceed four square feet in area.

(c) *Gasoline pumps signs.* Signs identifying the brand, types, and octane rating, provided the signs do not exceed two square feet for each pump face. Also includes equivalent signs for alternative fuel/electric vehicle recharging stations.

(d) *Name plaques.* Commemorative plaques, tables, dates of construction, and the like when carved in stone, concrete, or similar materials or made of bronze, aluminum, or other similar permanent material. Signs shall not exceed two square feet in area.

(e) *Neighborhoods watch signs.* Signs located in residential neighborhoods that are designated official neighborhood watch areas and limited to three square feet in area.

(f) *Off-site directional signs.* Signs located off-site and providing directions to publicly-owned facilities or emergency facilities and limited to 12 square feet in area.

(g) *Portable parking lot and valet parking signs.* One freestanding portable sign at each parking lot entrance limited to 12 square feet in area. The sign shall not cause any hazard to pedestrian movement.

(h) *Inside buildings.* Any sign inside a building including on the windows.

(i) *Murals or works of arts.* City Manager-approved murals or works of art that do not include a commercial message.

(j) *Site address.* Limited to two for each street address, subject to the following standards:

1. The total aggregate sign area shall not exceed 72 square inches. Individual numbers and letters shall not exceed a height of six inches; and

2. The sign shall be placed in an area adjacent to or near the primary entrance of the structure or property frontage and face the street curb in front of the structure.

(k) *Time and/or temperature signs.* Time and/or temperature signs when provided in compliance with §158.08(F) of this chapter.

(4) *Vehicle-oriented safety and directional signs.* Signs solely for the purpose of guiding traffic, parking, and loading on private property. One safety or directional sign on each site may include the name of the business within a maximum area of two square feet. No other advertising copy or logos shall be allowed.

(5) *Temporary signs limited by size and period of display.* The temporary signs listed below are exempt from sign permit requirements in compliance with the provisions of this chapter:

(a) City-installed signs or signs installed in compliance with a city agreement;

(b) Holiday lights and decorations with no commercial message;

(c) Political campaign signs five feet from the curb or edge of the street and not located in the sight triangle for a period of 45 days prior and seven days following the associated election;

(d) A temporary sign, other than a commercial sign, posted to advertise a civic event sponsored by a public agency, school, church, civic-fraternal organization, or similar noncommercial organization; and

(e) A sign that states the name of the developer and contractor(s) working on the site and any related engineering, architectural, or financial firms involved with the project. Maximum size of 32 square feet and must be removed 15 days after the construction has been finished.

(B) Real estate and political campaign signs shall comply with the following requirements:

(1) The signs are allowed on private property only subject to the owner's permission. Real estate signs shall not be placed at an off-site location;

(2) The signs shall be non-illuminated. The signs shall be constructed of durable, rigid material suitable to their location and purpose. Only interior window signs may be made of non-rigid material; and

(3) Real estate signage shall be located on the actual property for sale, lease or rent. Signs shall be located at least five feet from the curb or edge of the street and not in the sight triangle.

(C) No signs shall be allowed in the public right-of-way, except for the following:

(1) *Permanent public signs.* Permanent public signs erected in the public right-of-way by or on behalf of a governmental body to post legal notices, identify public property, convey public information, convey community pride, and direct or regulate pedestrian or vehicular traffic;

(2) *Informational signs.* Signs placed in the public right-of-way by a public utility regarding its poles, lines, pipes, or facilities; or

(3) *Emergency signs.* Emergency warning signs erected in the public right-of-way by a governmental agency, a public

utility company, or a contractor doing authorized or permitted work within the public right-of-way.

(D) All signs exempt from regulation shall comply with the applicable provisions of the adopted Building, Electrical, and Mechanical Code of the city at all times.

(E) Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the city shall have the right to recover from the owner or person placing such a sign the full cost of removal and disposal of such sign.

(Prior Code, § 159.14) (Ord. 1870, passed 12-11-2018; Ord. O-2021-04, passed 2-9-2021)

§ 158.15 COMPREHENSIVE SIGN PROGRAM.

(A) *Purpose.* A comprehensive sign program is intended to integrate the design of the signs proposed for a development project with the design of the structures into a unified architectural statement. A comprehensive sign program provides a means for defining common sign regulations for multi-tenant projects, to encourage maximum incentive and latitude in the design and display of multiple signs, and to achieve, not circumvent, the intent of this chapter.

(B) *Applicability.* The approval of a comprehensive sign program shall be required whenever any of the following circumstances exist, or whenever an applicant requests the approval of a comprehensive sign program:

- (1) Two or more separate tenant spaces are to be created on the same parcel;
- (2) Five or more non-exempt signs are proposed for a new or existing development; and

(3) The Director or his or her designee determines that a comprehensive sign program is needed because of special project characteristics (for example, the size of proposed signs, limited site visibility, a business within a business, the location of the site relative to major transportation routes, and the like).

(C) *Approval authority.* A comprehensive sign program shall be approved through the granting of a sign permit for a comprehensive sign program by the Director or his or her designee.

(D) *Application requirements.* A sign permit application for a comprehensive sign program shall include all information and materials required by the Department, and the filing fee set by the city's fee resolution.

(E) *Standards.* A comprehensive sign program shall comply with the following standards:

- (1) The program shall comply with the purpose of this chapter, the sign design guidelines, and the overall intent of this section;
- (2) The signs shall enhance the overall development, be in harmony with, and relate visually to other signs included in the comprehensive sign program, to the structures and/or developments they identify, and to surrounding development;
- (3) The program shall accommodate future revisions that may be required because of changes in use or tenants; and
- (4) The program shall comply with the standards of this chapter, except that flexibility is allowed with regard to sign area, number, location, and/or height to the extent that the comprehensive sign program will enhance the overall development and will more fully accomplish the purposes of this chapter.

(F) *Revisions to comprehensive sign programs.* Revisions to a comprehensive sign program may be approved by the Director or his or her designee if the intent of the original approval is not affected. Revisions that would substantially deviate from the original approval shall require the approval of a new comprehensive sign program.

(Prior Code, § 159.15) (Ord. 1870, passed 12-11-2018; Ord. O-2021-04, passed 2-9-2021)

§ 158.16 ABANDONED SIGNS.

A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business that it advertises is no longer conducted on the premises. The sign shall be removed within 30 days of the close of business

(Prior Code, § 159.16) (Ord. 1870, passed 12-11-2018; Ord. O-2021-04, passed 2-9-2021)

§ 158.17 ILLEGAL SIGNS.

(A) *Penalties.* Illegal signs shall be subject to the administrative remedies hereof.

(B) *Removal of illegal signs in the public right-of-way.* The Director or his or her designee may cause the removal of any sign within the public right-of-way or on property that is otherwise abandoned that has been placed there without first complying with the requirements of this chapter.

(C) *Storage of removed signs.* Signs removed in compliance with this section shall be stored by the city for 30 days, during which they may be recovered by the owner only upon payment to the city for costs of removal and storage. If not recovered within the 30-day period, the sign and supporting structure shall be declared abandoned and title shall vest with the city. The costs of removal and storage (up to 30 days) may be billed to the owner. If not paid, the applicable costs may be imposed as a tax lien against the property.

(Prior Code, § 159.17) (Ord. 1870, passed 12-11-2018; Ord. O-2021-04, passed 2-9-2021)

§ 158.18 VIOLATIONS, ENFORCEMENT, AND REMEDIES.

(A) Any of the following shall be a violation of this chapter and shall be subject to the enforcement remedies and penalties provided by this chapter, by the Zoning Code, and by state law:

- (1) To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zone lot on which the sign is located;
- (2) To install, create, erect, or maintain any sign requiring a permit without such permit;
- (3) To install, create, erect, or maintain any sign that in any way that is inconsistent with any plan or permit governing such sign or the zone lot on which the sign is located;
- (4) To fail to remove any sign that is installed, created, erected, or maintained in violation of this chapter, or for which the sign permit has lapsed; and/or
- (5) To continue any such violation. Each such day of a continued violation shall be considered a separate violation when applying the penalty portions of this chapter.

(B) Each sign installed, created, erected, or maintained in violation of this chapter shall be considered a separate violation when applying the penalty portions of this chapter.

(C) Any violation or attempted violation of this chapter, or of any condition or requirement adopted pursuant hereto, may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings pursuant to state law. A violation of this chapter shall be considered a violation of the Zoning Code of this city. The remedies of the city shall include the following:

- (1) Issuing a stop-work order for any and all work on any signs on the same zone lot;
 - (2) Seeking an injunction or other order of restraint or abatement that requires that removal of the signs) or the correction of the nonconformity;
 - (3) Imposing any penalties that can be imposed directly by the city under the Zoning Code;
 - (4) Seeking in court the imposition of any penalties that can be imposed by such court under the Zoning Code; and/or
 - (5) In the case of a sign that poses an immediate danger to the public health or safety, taking such measures as are available to the city under the applicable provisions of the Zoning Code and Building Code for such circumstances.
- (D) The city shall have such other remedies as are, and as may from time to time be, provided for or allowed by state law for the violation of the Zoning Code.

(E) All such remedies provided herein shall be cumulative. To the extent that state law may limit the availability of a particular remedy set forth herein for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.

(Prior Code, § 159.18) (Ord. 1870, passed 12-11-2018; Ord. O-2021-04, passed 2-9-2021)

§ 158.19 TABLES.

(A) *Table 1: Permitted signs by type and zoning district.*

<i>Sign Type</i>	<i>A-1</i>	<i>R-1 and R-2</i>	<i>R-3 and R-4</i>	<i>CBD</i>	<i>C-0 and C-1</i>	<i>C-2 and C-3</i>	<i>H-1 and H-2</i>	<i>I-1 and H-2</i>	<i>Hwy Overlay</i>	<i>INST</i>
<i>Sign Type</i>	<i>A-1</i>	<i>R-1 and R-2</i>	<i>R-3 and R-4</i>	<i>CBD</i>	<i>C-0 and C-1</i>	<i>C-2 and C-3</i>	<i>H-1 and H-2</i>	<i>I-1 and H-2</i>	<i>Hwy Overlay</i>	<i>INST</i>
Animated or moving sign	N	N	N	P	P	P	P	P	P	P
Awning sign	N	N	N	P	P	P	P	P	P	P
Banner/flag/pennant	N	N	N	N	P	P	P	N	P	P
Billboards	N	N	N	N	N	N	N	N	P	P
Blade bracket sign	N	N	N	P	P	P	P	P	P	P
Building marker	Pc	Pc	Pc	P	Pc	Pc	Pc	Pc	Pc	P
Canopy sign	N	N	N	P	P	P	P	P	P	P
Changeable copy	N	N	P*	N	P	P	P	P	P	P
Freestanding pole sign	N	N	N	P	P	P	P	P	P	P

Identification	Pc	Pc	Pc	P	Pc	Pc	Pc	Pc	Pc	P
Monument sign	N	N	N	P	P	P	P	P	P	P
Official flag	A	A	A	A	A	A	A	A	A	P
Portable temp sign	P	P	P	P	P	P	P	P	P	P
Projecting	N	N	N	P	P	P	P	P	P	P
Roof	N	N	N	P	P	P	P	P	P	P
Suspended	N	N	N	P	P	P	P	P	P	P
Temporary	N	N	N	P	P	P	P	P	P	P
Wall	N	N	N	P	P	P	P	P	P	P

A= Allowed

N= Not allowed

P= Allowable only with a sign permit

INST This column does not represent a zoning district. It applies to institutional uses permitted under the Zoning Code in residential zoning districts. Such uses may include, but are not limited to, churches, schools, and uses granted by or operating under a valid conditional use permit. These signs shall have the maximum square footage of 55 square feet.

* Changeable copy only allowed in R-3 not in R-4.

- a) May include only building name, date of construction, or historical data on historic site; must be cut or etched into masonry, bronze, or similar material.
- b) No commercial message of any kind allowed on sign.
- c) Only address and name of occupant allowed on sign.

(B) Table 2: Setback requirements.

Sign Type	Maximum Number Allowed	Vertical Clearance from Private Drive, Street, Sidewalk or Parking Lot	Vertical Clearance from Public Street or Sidewalk	Lighting Allowed	Location Requirement	Time Limit	Max Sign Area	Maximum Sign Height	Minimum Setback from Property Line
Sign Type	Maximum Number Allowed	Vertical Clearance from Private Drive, Street, Sidewalk or Parking Lot	Vertical Clearance from Public Street or Sidewalk	Lighting Allowed	Location Requirement	Time Limit	Max Sign Area	Maximum Sign Height	Minimum Setback from Property Line
Animated or moving electronic reader board or electronic graphics advertising sign	1 per building	14'	14'	Yes	Attached to a freestanding pole sign or monument sign	N/A	32 sq. ft.	N/A	10'
Awning sign	1 per building	8'	8'	No	Connected to the building	N/A	15% of wall area	Not to be placed above the roof edge	N/A
Banner/pennants/flags	1 per building	8'	8'	No	N/A	N/A	12 sq. ft.	14' tall	10'
Billboards	1 per 1,000' HW frontage	14'	14'	Yes	Within the Highway Overlay District	N/A	750 sq. ft.	60' tall	10'

Blade bracket sign	1 per building	8'	8'	Yes	On building	N/A	4 sq. ft.	Not to be placed above the roof edge	N/A
Building marker	1 per building	N/A	N/A	Yes	N/A	N/A	4 sq. ft.	N/A	N/A
Canopy sign	1 per building	8'	8'	No	On building	N/A	32 sq. ft.	Not to be placed above the roof edge	N/A
Freestanding pole sign	1 per 60' of frontage	14'	14'	Yes	N/A	N/A	50 sq. ft.	40' tall	10'
Freestanding pole sign	1 per 60' of frontage	14'	14'	Yes	Within the Highway Overlay District	N/A	300 sq. ft.	90' tall	10'
Identification	1 per building	N/A	N/A	Yes	N/A	N/A	4 sq. ft.	Not to be placed above the roof edge	10'
Monument sign	1 per building	N/A	N/A	Yes	Not to be placed in the public ROW	N/A	100 sq. ft. total all sides	6'	N/A
Official flag	N/A	N/A	N/A	N/A	N/A	N/A	N/A	25'	10'
Portable temp sign	1 per building	N/A	N/A	Yes	No closer than 5' to the curb or street	45 days	4 sq. ft.	N/A	N/A
Projecting	1 per building	N/A	N/A	Yes	Connected to the building	N/A	15% of wall area	Not to be placed above the roof edge	N/A
Roof	1 per building	N/A	N/A	Yes	Connected to the building's roof	N/A	32 sq. ft.	N/A	N/A
Suspended	1 per building	8'	8'	Yes	Connected to the building or freestanding sign pole	N/A	12 sq. ft.	Not to be placed above the roof edge	N/A
Temporary	1 per building or tenant space	N/A	N/A	No	No closer than 5' to the curb or street	30 days	32 sq. ft.	N/A	N/A
Wall	1 per side of building or tenant space	N/A	N/A	Yes	Connected to the building	N/A	15% of wall area	Not to be placed above the roof edge	N/A

(C) Permitted sign characteristics by zoning district.

	R-1	R-2	R-3	R-4	C-0	C-1	C-2	C-3	H-1	H-2	I-1	I-2	A-1	INST	Hwy Overlay
Exposed bulbs	N	N	N	N	N	N	P	N	N	N	N	N	N	N	N
External	N	N	P	P	P	P	P	P	P	P	N	N	P	N	P
Internal	N	N	N	N	N	P	P	N	N	P	P	P	N	N	P
Neon	N	N	N	N	N	N	P	P	N	P	N	N	N	N	P
P =Permissible only with a sign permit N = Not allowed INST=This column does not represent a zoning district. It applies to institutional uses permitted under the Zoning Code in residential zoning districts. Such uses may include, but are not limited to, churches, schools, and uses granted by a conditional use permit.															

(Prior Code, § 159.19) (Ord. 1870, passed 12-11-2018; Ord. O-2021-04, passed 2-9-2021)

§ 156.172 CONDITIONAL USE PERMITS.

(A) The following procedure is established to integrate properly the conditional uses with the other land uses located in the district. These uses shall be reviewed and authorized or rejected under the following procedure:

- (1) An application shall be filed with the office of the City Planning Commission for review. Such application shall be in such form and content as the Planning Commission may by resolution establish;
- (2) The Planning Commission shall within 45 days of the date of the application transmit to the City Council its report as to the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utilities, and other matters pertaining to the general welfare and the recommendation of the Planning Commission;
- (3) The Planning Commission may recommend and the City Council may establish such conditions which in its judgment would carry out the purpose and intent of these regulations as a condition or conditions to the permitting of such conditional use. Thereupon, the City Council may authorize or deny the issuance of a building permit for the use of land or buildings as requested;
- (4) For each application for a conditional use permit, a fee as set by the City Council by motion or resolution shall be paid to the City Clerk-Treasurer. The cost of legal publication and required notices shall be the responsibility of the applicant, also each applicant shall submit an accurate legal description and map of the land and existing buildings. A certified abstractor's list of all owners of property located within 300 feet of subject property shall be submitted;
- (5) The Planning Commission shall publish a notice of the public hearing in an official paper or a newspaper of general circulation in the city at least 15 days prior to the date of the public hearing giving the time and place of the public hearing and the proposed conditional use. Notice shall be mailed to all owners of property located within 300 feet of the subject property at least 20 days prior to the hearing; and
- (6) The City Council may make its approval of any conditional use permit subject to conditions when, in its judgment, compliance of the applicant to the conditions would diminish adverse impact of the desired use on surrounding uses. The conditions to be met shall be made an integral part of the City Council action authorizing the conditional use permit.

(B) The following are suggested permit conditions:

- (1) The use is specifically identified and conforms to conditions listed in the zoning regulations;
- (2) The proposed use is not injurious to the present use of the land nor prevents enjoyment of uses already permitted;
- (3) The change should not impede normal or orderly development or improvement of surrounding property;
- (4) Adequate utilities, access roads, drainage, and other necessary facilities are provided;
- (5) Sufficient off-street parking and loading spaces are available;
- (6) The conditional use does not create a nuisance (odors, fumes, dust, noise, and the like) in the area;
- (7) If the use requires the applicant to obtain a license or permit from any other regulatory or governmental entity, such permit or license has been obtained;
- (8) The permit is subject to periodic review and must be renewed as set out in these regulations. Any violation of the conditions results in automatic termination. If not used, conditional use permits are void after one year;
- (9) The permit is not transferrable from one applicant to another, so that a change in possession of the property terminates a permit. Caveat: a new permit must be issued to any subsequent applicant who can satisfy the permit conditions; and
- (10) A permit or license fee may be charged in an amount which reflects the administrative costs of regulating the conditional use program.

(Prior Code, § 157.192) (Ord. 1049, passed 10-11-1983; Ord. 1123, passed 3-8-1988)

REZONING APPLICATION

Petition # PC 2022-08
 Fee \$ 300

APPLICANT INFORMATION

Name: <u>All Star Investments, LLC</u>	Email: <u>Kickinheyahoo.com</u>	Phone #1: <u>580-920-5897</u>
Mailing Address: <u>4709 W University Blvd</u>		Phone #2: <u>580-920-5890</u>
City: <u>Durant</u>	State: <u>OK</u>	Zip: <u>74701</u>
Applicant's Interest in Property: <u>owner</u>		

☐ Please use attached addendum if there is more than one applicant.

Physical Address of Rezoning Request: <u>3202 W University Blvd Durant, OK 74701</u>			
☐ Platted	Subdivision	Lot	Block
☐ Un-Platted			
Legal Description: <u>The E 1/2 S 1/2 E 1/2 W 1/2 SE 1/4 SE 1/4 NE 1/4 of Section 25, Township 6, Range 8 East of the Indian Base Meridian, Bryan Co, OK</u>			
☐ Deed Attached (required) If applicant is not owner listed on deed, owner consent must be included.			

Request Rezoning From: <u>Agriculture</u>		Request Rezoning To: <u>C-2</u>	
Present Use: <u>residence</u>		Proposed Use: <u>office</u>	
Parcel Width: <u>82'</u>	Parcel Length: <u>330'</u>	Acres: <u>.62 ac</u>	Street/Road Frontage: <u>82'</u>
☒ City Water (If City Water will be extended or improvements will be made, please explain:)			
☒ City Sewer (If City Sewer will be extended or improvements will be made, please explain:)			
☐ Private Water		☐ Private Sewer	
Is Property in the Floodplain?	Is property in the Airport Zone.		
<u>no</u>	<u>no</u>		

The applicant has prepared this application and supporting documentation and certifies that the facts stated herein and exhibits attached hereto are true and correct.

Wesley W. Hader

Signature of Applicant

2-16-22

Date

Office Use Only

Date Filed	Date Payment Received	Notification Mailed	Comments
Initial	Initial	Initial	
Proof of Publication Received		Property Posting Verified	Comprehensive Plan Recommendations
Date	Initial	Date	Initial
Staff Recommendation	PC Recommendation	City Council Action	Ordinance #
☐ Approve ☐ Deny	☐ Approve ☐ Deny	☐ Approve ☐ Deny	

RECEIVED

FEB 16 2022

REZONING SUPPORTING INFORMATION

1. List the changed or changing conditions in the area or in the City which makes this zone change necessary.

all land surrounding this lot is commercial.

2. Indicate whether or not this zone change is in accordance with the Comprehensive Plan. If it is not, explain why the Plan is incorrect.

3. List any other reasons to support this zone change.

INDEXED

WARRANTY DEED
(INDIVIDUAL)

567449
State of Oklahoma
County of Bryan
Filed 3-29-05
Book 1000 Page 180 Trm 11:50
Patricia L. Brady
County Clerk TA Deputy.

KNOW ALL MEN BY THESE PRESENTS:

That, **DANIEL J. MESTER II a/k/a DANIEL JOHN MESTER II**, a single person, party of the first part, in consideration of the sum of Ten and more (\$10.00) Dollars, the receipt of which is hereby acknowledged, do by these presents grant, bargain, sell and convey unto **ALL STAR INVESTMENT, LLC**, 19252 U.S. Hwy 70, Durant, OK 74701, party of the second part, the following described real property and premises, situated in Bryan County, State of Oklahoma, to-wit:

E/2 S/2 E/2 W/2 SE/4 SE/4 NE/4 of Section 25, Township 6 South, Range 8
East of the Indian Base and Meridian, in Bryan County, Oklahoma,
according to the Government Survey thereof.

R.S. \$141.00

together with all the improvements thereon and the appurtenances thereunto belonging, and warrant the title to the same.

TO HAVE AND TO HOLD said described premises unto party of the second part, its heirs and assigns, forever, free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature.

SIGNED AND SEALED this the 28th day of March, 2005.

Daniel J. Mester II
DANIEL J. MESTER II a/k/a
DANIEL JOHN MESTER II

STATE OF OKLAHOMA)
)ss. ACKNOWLEDGMENT
COUNTY OF BRYAN)

Before me, the undersigned, a Notary Public in and for said County and State, on this 28th day of March, 2005, personally appeared DANIEL J. MESTER II a/k/a DANIEL JOHN MESTER II, a single person, to me known to be the identical person who executed the within and foregoing instrument, and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal this day and year last above written.

My Commission Expires



Melissa Cathers
NOTARY PUBLIC

000180





GOAD CONSTRUCTION INC &

Owner

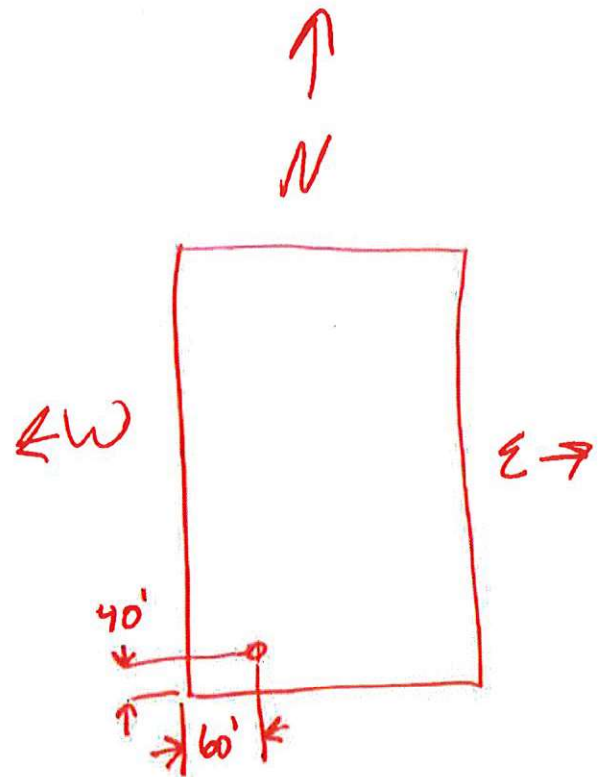
Address

A399-25-06S-08E-3-002-00

Parcel ID

2-17-22

American Billboards Corp
CUP Application



• - Billboard
60' Tall
12' x 32'

OKLAHOMA DEPARTMENT OF TRANSPORTATION
APPLICATION FOR SIGN REGISTRATION & PERMIT
(See back of form for instructions.)

FOR OFFICIAL USE ONLY		
MGR. INITIALS	OWNER NO.	REG. NO.
\$100.00 FEE AMOUNT	APPLICATION NO.	SIGN FILE NO.

Part I - SIGN OWNER INFORMATION

101 Applicant's Name: **American Billboards Corp** 102 Address: **PO Box 1662**
103 City: **Durant** 104 State: **OK** 105 Zip Code: **74702**
106 Telephone No. **(580) 920-0878** 107 Fax No. **(580) n/a** 108 Email Address: **scott.crain@texomamfg.com**

Part II - LOCATION OF SIGN SITE

201 Located on Hwy.: **70** 202 Side of Hwy.: **N** 203 County Name: **Bryan** 204 City Name: **Durant**
205 Nearest Intersecting Hwy.: **70 Bypass** 206 Direction from Intersection: **W** 207 Distance from Intersection: **.419** 208 Distance from Right-of-Way: **25'**
209 GPS Coordinates: Latitude: **33** **99861** Longitude: **-96** **42161**

Part III - LAND OWNER INFORMATION (No. Assigned: _____)

301 Land Owner's Name: **Dale Goad Construction** 302 Address: **PO Box 5101**
303 City: **Durant** 304 State: **OK** 305 Zip Code: **74702**
306 Telephone No. **(580) 775-4775** 307 Have you enclosed proof of land use consent? ☐ YES ☐ NO

Part IV - PHYSICAL DESCRIPTION OF SIGN

401 DIMENSIONS: Height of Facing: **12** ft. Width of Facing: **32** ft. Overall Height Above Ground: **45** ft.
(Cannot exceed 25 ft.) (Cannot exceed 60 ft.) (No limit by state)
402 TYPE OF SIGN: ☐ Single ☐ Side-by-Side ☒ Stacked ☐ V-Type ☒ Back-to-Back ☐ Tri-Vision (Rotating Slats)
(Cannot exceed 30 ft.)
403 NO. OF PANELS: **4** 404 WILL SIGN BE ILLUMINATED? ☒ YES ☐ NO If yes, will it be an LED/digital display? ☐ YES ☒ NO
(Advertising Displays)

Part V - ZONING AND COMMERCIAL/ INDUSTRIAL QUALIFICATIONS (One of these options is required for Class A Permit. However if applying for a Class C (Informational) Permit, this section does not apply.)

ZONED AREA ONLY

UNZONED AREA ONLY

501 - Is proposed location zoned? ☒ YES ☐ NO
(If answer is no, then go directly to item 505.) **Commercial**
502 - What is the zoning designation? **Commercial**
(Must be some type of commercial, industrial or business designation.)
503 - Who is the zoning authority? **City of Durant**
504 - If the area is zoned, a Zoning Confirmation from must be completed and attached. (Form OAC Z-504 or its equivalent.)
505 - Is proposed location within 600 ft. of a conforming business? (Refer to OAC §730:35-5-12[a][2]) ☒ YES ☐ NO
506 - What is the name of the business?
507 - Please attach a diagram depicting the layout of the business and the proposed sign site.

Part VI - ACKNOWLEDGMENT

Have you read all of the statutes and regulations pertaining to outdoor advertising control? ☒ YES

REMARKS:

Inspector
Pre-review:

STATE OF: **Oklahoma**
County of: **Bryan**
J. Scott Crain

being of lawful age and first duly sworn upon oath deposes and states the following:

I, on behalf of myself (or) _____ as authorized representation of the organization listed above as Applicant, so attest that I have read the foregoing information and that the facts set out therein are true and correct to the best of my knowledge and belief.

Signature of Applicant or Representative

Printed Signature

FORM AP-100 (Revised 7/07/2020)

NOTARY PUBLIC:

Subscribed and sworn to me this **7th** day of **June**, 20**21**

My commission expires: **6/21/21**

Signature of Notary



GENERAL INSTRUCTIONS:

- (1) Read through this entire set of instructions before attempting to fill out the application form.
- (2) All entries must be legibly printed or typewritten. Any omission of required information may result in the rejection of this application.
- (3) An application fee of \$100, payable to the Oklahoma Department of Transportation, per sign location, must be submitted with all applications. The fee is non-refundable.

PART I - SIGN OWNER INFORMATION

- 101 - Applicant's Name: Give the full name of the person, firm or corporation to which the registration and permit are to be issued.
- 102 - Address: Sign owner's responsibility to keep updated.
- 103 - 105: Self-explanatory.
- 106 - 108: Please supply all if available.

PART II - LOCATION OF SIGN SITE

- 201 - Located on Highway: Provide the complete highway designation and number as posted on the highway, adjacent to where you intend to build your sign. The designation should include the prefix I (Interstate) U (US Highway,) S (State Highway,) T (Turnpike,) and any other suffixes such as BUS (Business,) ALT (Alternate,) BYP (Bypass,) E (East,) W (West,) N (North,) or S (South) if applicable.
- 202 - Side of Highway: Enter N, S, E or W indicating the side of highway upon which you intend to construct your sign.
- 203 - County Name: Enter the name of the county in which the sign will be located.
- 204 - City Name: If the sign will be located inside the corporate limits of any city or town, enter the name. Otherwise, enter the word "none".
- 205 - Nearest Intersecting Highway: Provide the complete highway designation (see 201 above,) of the nearest numbered highway (or turnpike,) which intersects the highway adjacent to your sign location. (Highway you entered on item 201.)
- 206 - Direction from Intersection: Enter N, S, E or W, indicating the direction from the intersection that your sign will be located.
- 207 - Distance from Intersection: Enter the distance in miles and/or tenths that your sign will be located from the intersection.
- 208 - Distance from Right-of-Way: Enter your best estimate of the distance, in feet, from your sign location to the nearest right-of-way boundary of the highway entered in item 201. (If you are unsure of the right-of-way boundaries, you can contact the local ODOT office in your area, and they can provide you with this information. If you need contact information for your area can be obtained from the OAC Branch.) Please keep in mind it is YOUR responsibility to ensure you are not encroaching on state right-of-way.

PART III - LAND OWNER INFORMATION (No. to be assigned by ODOT.)

- 301 - 306 - Self Explanatory
- 307 - If applicant is not land owner, a form of written land use consent must be submitted with the application. The location of the sign site must be referenced, and all owners of record must sign the document. Time frame referenced on the document must be current. Be sure to build and maintain your sign on the property of the given landowner. Do not encroach on state right-of-way.

PART IV - PHYSICAL DESCRIPTION OF SIGN

401 - Dimensions: Enter the following dimensions in feet: (Refer to drawings enclosed in outdoor advertising information packet if necessary. Contact the Outdoor Advertising Control office for copies.) Be sure to consider that any cut-outs or extensions that extend outside of the regular portion of a sign are also configured into the overall height and/or width of facing. The overall square footage of the advertising display area is limited to 1200 sq. ft per facing (direction).

A. Height of facing, including border and trim, but not the apron. (Cannot exceed 25 ft.)

B. Width of facing, including border and trim. (Cannot exceed 60 ft.)

C. Overall Height Above Ground, includes the distance from the top of the sign to the ground. State and Federal regulations do not limit the height above ground, only the height and width of the facing.

402 - Arrangement of Panels: Check only the types that apply to your intended sign.

PART IV - PHYSICAL DESCRIPTION OF SIGN (continued)

403 - Number of Panels: Each separate advertising display attached to a sign structure constitutes a panel. For example, a double-stack, back to back type structure would have four panels.

404 - Is Sign Illuminated? Check "yes" only if artificial illumination will be provided for the sign. Reflectorized signs without other illumination are not included in this category. If you intend to utilize LED/digital type illumination, you will need to refer to the Tri-Vision guidelines for guidance.

PART V - ZONING AND COMMERCIAL/INDUSTRIAL ACTIVITIES

One of these qualifications **must** be met to obtain a Class "A" Permit. (If you are applying for a Class "C" sign (Ref: OAC 730:35-5-13,) this section does not apply.) Commercial or industrial business must meet standards as designated under OAC 730:35-5-12[a][2].

ZONED AREA

501 - Is proposed location zoned? Must be zoned by an official zoning authority recognized by the State of Oklahoma as thus.

502 - What is the zoning designation? Must be some type of commercial, industrial or business zoning. Agricultural or Residential will disqualify the location. In the case of PUD, SPUD or Corridor, a copy of the approved development plan must be attached.

503 - Who is the zoning authority? Enter name of entity that has zoned the property.

504 - A Zoning Confirmation form (Z-504) must be completed, including signature of zoning official, and submitted with the application. These forms are provided in the outdoor advertising information packet, or can be obtained thru the Outdoor Advertising Control office. (Other official confirmation can be acceptable in lieu of this form.)

UNZONED AREA

505 - If area is unzoned, then your sign location must be within 600 ft. of a qualifying commercial or industrial activity. The 600 ft. distance is measured from the nearest point of a regularly used portion of the business then along the highway to the sign location. The distance between these two points cannot exceed 600 ft.

506 - Self explanatory.

507 - Diagram must be clearly labeled and include measurements or distances which confirm that proposed sign site is located within the required 600 feet of a regularly used portion of the business. (Hand rendered drawings are acceptable.)

PART VI - ACKNOWLEDGMENT

Rules and regulations pertaining to the control of outdoor advertising can be found in Title 69 O.S. §1271 et. seq. and OAC Title 730:35-5 et. seq. Copies of regulations can be obtained from the OAC office.

REMARKS

You may use this space for any additional comments or information that you consider applicable.

APPLICANT SIGNATURE AND NOTARY PUBLIC

Each application for sign registration and permit must be made under oath. The oath provided on this form must be fully executed, including notary's stamp and signature. False or erroneous information provided on the application form can be grounds for denial or revocation.

PHOTOGRAPHS/GPS Location

Each application must be accompanied by two photos of the staked location, and GPS coordinates, where the sign is intended to be constructed. The photos should be taken from two different angles to assist ODOT personnel in locating the proposed site. These photos will also document your intent of designated site.

DISPOSITION

The original, fully completed, notarized application form along with photos, proof of land use consent and \$100 fee should be sent to the following address:

Oklahoma Department of Transportation
Outdoor Advertising Control Branch
200 N.E. 21st, Room 2A1
Oklahoma City, OK 73105

Telephone: (405)521-3005
Fax: (405)522-0386