



City of Tuttle

A SMALL COMMUNITY, WELL CONNECTED.

Community Development Department

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EXPLANATION OF SUBDIVISION REGULATIONS WAIVER PROCESS

This is a quick explanation of the City of Tuttle procedures for requesting a waiver regarding the Tuttle Subdivision Regulations from the Planning Commission/City Council. Please read carefully.

Fees

The fee for each Waiver Application is \$400.

You are responsible for all direct costs incurred by third party reviews and inspections, including legal review and engineering oversight. These costs will be invoiced to you.

Application

The Community Development staff is available to assist you in determining if requesting a waiver is appropriate based on what you are trying to achieve. The Planning Commission may only grant waivers based upon positive findings of fact of specific criteria established by state statute and local ordinances. If you decide to request a waiver, you will need to submit the following documents to the Community Development Department to begin the process:

- A completed and signed Subdivision Regulations Waiver Application
- A copy of the current deed to the property (staff only has electronic access to County Clerk records from about 1992 to today)
- Written property owner consent if the applicant is not the property owner
- A certified property ownership list of property owners that are within 300 feet of the subject property (this is usually obtained from a local abstract company for a fee). If 10 property owners are not located within a 300-foot radius of the property, then the radius will be increased by increments of 100 feet until 10 property owners are in the radius.
- A legal description of the subject property (the legal description used by the abstract company will usually work).
- A check addressed to the City of Tuttle in the amount of \$400 (this fee pays for the mailings and newspaper publication). **Note: you will also be responsible for additional costs of legal and engineering services the City of Tuttle may incur.

Timeframe

After these documents have been received by the Community Development Department, staff will begin reviewing them. The City of Tuttle is not responsible for the accuracy of submitted documents. Once the submitted application and required documents have been reviewed by staff, they will then assign a PC Petition # and will begin preparing documents and reports to the Planning Commission.

Prior to conducting a hearing, state statute requires public notification to be given to the surrounding property owners and to the community as a whole. A notice of the proposed variance must be mailed to all property owners within 300 feet of the subject property at least ten (10) days prior to the hearing. Notice is also required to be published in the newspaper at least fifteen (15) days prior to the hearing. City staff will prepare, mail, and publishes the notices for the meeting after the appropriate documentation has been received.

Other Information

The Planning Commission typically meets, at 6:30 pm on the first Monday of each month at Tuttle City Hall. At the hearing conducted by the Planning Commission, you will have an opportunity to address the Planning Commission, along with surrounding residents and any other interested party. It is highly recommended that you or someone else who is authorized to speak on your behalf and is knowledgeable about your request be present. You and your authorized representatives are responsible for making your case for your request to the Planning Commission. The Planning Commission may postpone making a decision or deny the request if they are not comfortable they have all of the information they need to make an informed decision.

IMPORTANT NOTE:

Where the Planning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these Regulations and/or the purposes of these Regulations may be served to a greater extent by an alternative proposal, it may approve Waivers to these Subdivision Regulations so that substantial justice may be done and the public interest secured; provided, that, such Waivers shall not have the effect of nullifying the intent and purpose of these Regulations. The Planning Commission shall not approve Waivers unless it shall make findings based upon the evidence presented to it in each specific case that:

- a. The granting of the Waiver will not be detrimental to the public peace, safety, health or welfare, or injurious to other property in the area where the Waiver is located, and
- b. The conditions upon which the request for a Waiver is based are unique to the property for which the Waiver is sought and are not applicable generally to any other property; and
- c. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result (as distinguished from a mere inconvenience), if the strict letter of these Regulations were to be carried out; and
- d. The Waiver will not in any manner conflict with, or vary from, the provisions of the adopted Zoning Ordinance or present or future Comprehensive Plan.