

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

HOUSE BILL NO. 2522

By: Hastings

AS INTRODUCED

An Act relating to land use and zoning; amending 11 O.S. 1991, Section 43-102, as amended by Section 3, Chapter 274, O.S.L. 1995 (11 O.S. Supp. 1995, Section 43-102), which relates to land use regulations by municipalities; amending 19 O.S. 1991, Sections 865.57, 866.16, 868.11 and 868.12, which relate to land use regulations by counties; authorizing governing bodies to enact ordinances or other appropriate measures related to non-market rate housing; defining term; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 11 O.S. 1991, Section 43-102, as amended by Section 3, Chapter 274, O.S.L. 1995 (11 O.S. Supp. 1995, Section 43-102), is amended to read as follows:

Section 43-102. A. The municipal governing body may divide the municipality into districts of such number, shape and area as it deems suitable in carrying out its powers as to buildings, land and structures. Within the districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land. All such regulations shall be

uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts.

B. The municipal governing body may enact nondiscriminatory zoning ordinances regulating the location for the sale for consumption on the premises of low-point beer, as defined in Section 163.2 of Title 37 of the Oklahoma Statutes, commonly called 3.2 beer; provided, however, that no special or separate classification shall be created only for businesses selling said product.

C. The municipal governing body may enact ordinances for the purpose of regulating the development of non-market rate housing. As used in this subsection, "non-market rate housing" means multifamily housing units, whether otherwise called apartments, mobile home parks, condominiums or townhouses, which are proposed to be built, leased, managed, supported or maintained in a manner such that twenty percent (20%) or more of the units in the development are offered to renters at rates which are twenty percent (20%) or more below the prevailing market rates for similar units in the same market area.

D. Nothing in this section shall be construed to apply to telephone exchange buildings.

SECTION 2. AMENDATORY 19 O.S. 1991, Section 865.57, is amended to read as follows:

Section 865.57 A. The commission may prepare, adopt, and from time to time revise, amend, extend or add to a plan or plans for the development of the area for the purpose of bringing about an orderly, coordinated physical development in accordance with the present and future needs.

B. The commission may enact ordinances or other appropriate measures for the purpose of regulating the development of non-market rate housing. As used in this subsection, "non-market rate housing" means multifamily housing units, whether otherwise called

apartments, mobile home parks, condominiums or townhouses, which are proposed to be built, leased, managed, supported or maintained in a manner such that twenty percent (20%) or more of the units in the development are offered to renters at rates which are twenty percent (20%) or more below the prevailing market rates for similar units in the same market area.

SECTION 3. AMENDATORY 19 O.S. 1991, Section 866.16, is amended to read as follows:

Section 866.16 A. For the purposes of promoting the public health, safety, peace, morals, comfort, convenience, prosperity, order and general welfare, and to lessen danger and congestion of public transportation and travel, and to secure safety from fire and other dangers, and to prevent overcrowding of land, and to avoid undue concentration of population, and to provide adequate police protection, transportation, water, sewerage, schools, parks, forests, recreational facilities, military and naval facilities, and other public requirements, and to prevent undue encroachment thereon, the board of any such county is hereby empowered in accordance with the conditions and procedure specified in this act, to regulate the location, height, bulk, number of stories and size of buildings and other structures in the areas of the county not included within the territorial jurisdiction of the municipality as herein defined, the percentage of the lot or area which may be occupied, the size of yards, courts and other open spaces, the density and distribution of population, and the uses of buildings, structures and land for trade, industry, residence, recreation, civic and public activities and other purposes.

B. The board may enact ordinances or other appropriate measures for the purpose of regulating the development of non-market rate housing. As used in this subsection, "non-market rate housing" means multifamily housing units, whether otherwise called apartments, mobile home parks, condominiums or townhouses, which are

proposed to be built, leased, managed, supported or maintained in a manner such that twenty percent (20%) or more of the units in the development are offered to renters at rates which are twenty percent (20%) or more below the prevailing market rates for similar units in the same market area.

C. The zoning power hereby conferred shall not apply to the erection or use of the usual farm buildings for agricultural purposes or the planting of agricultural crops.

SECTION 4. AMENDATORY 19 O.S. 1991, Section 868.11, is amended to read as follows:

Section 868.11 A. The board of county commissioners is hereby empowered to adopt zoning regulations effective in the unincorporated areas of the county for the purposes of promoting the health, safety, peace, morals, comfort and the general welfare of the inhabitants; lessening danger and congestion in public transportation and travel; securing safety from fire and other dangers; preventing overcrowding of land; avoiding undue concentration of population; providing adequate police protection, transportation, water, sewerage, schools, parks, forests, recreational facilities, airports, military and naval facilities, and other public requirements; and preventing undue encroachment thereon. The zoning power hereby conferred shall not be exercised so as to deprive the owner of any existing property of its use or maintenance for the purpose to which it is then lawfully devoted except as hereinafter provided; nor shall the provisions of this act apply to the erection, installation and use of structures and equipment by public utilities subject to the jurisdiction and regulation of the Corporation Commission of the State of Oklahoma or other similar state or federal regulatory bodies; nor to the erection or use of the usual farm buildings for agricultural purposes, the planting of agricultural crops or the extraction of minerals.

B. The board of county commissioners may enact ordinances or other appropriate measures for the purpose of regulating the development of non-market rate housing. As used in this subsection, "non-market rate housing" means multifamily housing units, whether otherwise called apartments, mobile home parks, condominiums or townhouses, which are proposed to be built, leased, managed, supported or maintained in a manner such that twenty percent (20%) or more of the units in the development are offered to renters at rates which are twenty percent (20%) or more below the prevailing market rates for similar units in the same market area.

SECTION 5. AMENDATORY 19 O.S. 1991, Section 868.12, is amended to read as follows:

Section 868.12 A. Zoning regulations are hereby defined as regulations restricting the height, number of stories and size of buildings, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population, the location and use of buildings, structures and land for trade, industry, residence, recreation or other purposes. For the purpose of such zoning regulations the unincorporated territory of the county may be divided into districts of such number, shape and area as may be deemed best suited to carry out the purpose of this act and shall be shown upon the zoning plan; and within such district, the erection, construction, reconstruction, alteration or use of buildings, structures or land may be regulated and restricted. All such regulations shall be uniform for each class or kind of buildings or land uses throughout each district, but the regulations in one district may differ from those in other districts. The regulations shall be made in accordance with a comprehensive plan, and they shall give reasonable consideration, among other things, to the existing character of the district and its suitability for practical usage, while conserving the value of buildings and of

existing development and encouraging the most appropriate use of land throughout the county.

B. In formulating the zoning regulations, a survey shall be made of the area to be zoned and information collected concerning the topography of the land, the types of uses to which land and buildings are currently put, the extent of development, the density of population, the public utilities currently available and transportation facilities, and other information pertinent to the formulation of such zoning regulations. In each district created by the zoning regulations there shall be specified a maximum height of buildings, the size of yards, courts and open spaces, the uses of land and buildings permitted and the intensity thereof, and parking requirements for vehicles. All of such requirements shall be reasonable in view of the information obtained in the survey in order that the benefits hereinbefore named shall be secured to the community as a whole.

C. The classification of the various uses of lands and buildings shall provide separate districts for single family dwellings, two family dwellings, multiple family dwellings, commercial areas devoted to small shops or stores designed to serve limited residential areas, less restrictive business and industrial uses, and unrestricted uses. The height of buildings shall in no event be restricted to less than three (3) stories except in districts limited to one and two family dwellings in which buildings may be limited to a height of two (2) stories. The intensity of use of lands and buildings shall not be limited to less than one family per lot of two (2) acres and the regulation of yards and open spaces shall bear a relationship to the uses of lands and buildings which are permitted in the district. The height limitation and yard requirements of residential districts may be imposed upon a commercial district which is located immediately adjacent to a dwelling district. The parking requirement for vehicles shall bear

reasonable relationship to the uses permitted in the district and the physical size and arrangement of streets.

D. The board of county commissioners may enact ordinances or other appropriate measures for the purpose of regulating the development of non-market rate housing. As used in this subsection, "non-market rate housing" means multifamily housing units, whether otherwise called apartments, mobile home parks, condominiums or townhouses, which are proposed to be built, leased, managed, supported or maintained in a manner such that twenty percent (20%) or more of the units in the development are offered to renters at rates which are twenty percent (20%) or more below the prevailing market rates for similar units in the same market area.

SECTION 6. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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