

EHB 2566

THE STATE SENATE
Tuesday, March 25, 2008

ENGROSSED

House Bill No. 2566

As Amended

ENGROSSED HOUSE BILL NO. 2566 - By: Cooksey of the House and Jolley of the Senate.

[counties and county officers - allowing for fees - eliminating certain restrictions - effective date]

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

SECTION 1. AMENDATORY 19 O.S. 2001, Section 868.4, is amended to read as follows:

Section 868.4 The county planning commission may appoint such employees as it may deem necessary for its work and may contract with planners and other consultants for such services as it may require, and may incur other necessary expenses; provided that the expenditures of the county funds by the planning commission shall not be in excess of the amounts appropriated for that purpose by the board of county commissioners. It shall be lawful for the board of county commissioners to appropriate funds for the administration of this act and to contract with the governing body of the county seat city to contribute jointly to pay expenses and salaries of a combined staff to serve the county planning commission, county board of adjustment, city planning commission and city board of

1 adjustment, and to provide offices for such combined staff either in
2 the county courthouse or the municipal building.

3 For building permits issued pursuant to this section, the county
4 engineer shall collect a fee set by the county planning commission,
5 which shall be approved every two (2) years by the board of county
6 commissioners. For each petition for amendments to zoning
7 regulations, the county planning commission shall, upon approval and
8 authorization by the board of county commissioners, collect a fee
9 sufficient to cover the cost of mailing notices and conducting
10 investigations into the applicant's petition. In the event the
11 petition is withdrawn by the applicant before consideration by the
12 county planning commission but after notice and mailing of such
13 public hearing on applicant's amendments to zoning regulations or in
14 the event the applicant's petition is denied by the county planning
15 commission and an appeal is not pursued to the county board of
16 adjustment, the applicant shall not be permitted to file another
17 petition for amendment to zoning regulations covering the matter
18 withdrawn or denied until ninety (90) days from such withdrawal or
19 denial and upon payment of a nonrefundable fee as set by the county
20 planning commission, which shall be approved by the board of county
21 commissioners. ~~For each appeal to the county board of adjustment,~~
22 ~~the county planning commission shall collect a fee of Fifteen~~
23 ~~Dollars (\$15.00).~~ All fees collected by the county planning

1 commission and the county engineer shall be deposited with the
2 county treasurer daily, as is now provided by law, to the credit of
3 the county planning commission and such fees shall be placed in a
4 separate fund to the credit of the said county planning commission,
5 to be designated as the "County Planning Commission Special Fund,"
6 and shall be expended by the county planning commission, as follows:
7 for salaries of the staff or any member thereof, for mailing cost to
8 potentially affected members of the public concerning notice of
9 petitions for amendment to zoning regulations, for books, records,
10 supplies, fixtures and other necessary expenses incurred in the
11 operation of said Planning Commission, provided that any of the fee
12 so expended shall be upon verified claims duly filed, and approved
13 by the board of county commissioners of the county as provided by
14 law. Provided, however, that in the event the fees shall be in
15 excess of the necessary operating expenses of the planning
16 commission, said excess shall revert to the general fund of any such
17 county at the end of the fiscal year. Provided further, that in the
18 event said fees shall not be sufficient to operate the planning
19 commission, the difference may be supplied by appropriation as
20 provided by law. On the first day of each month the county engineer
21 and the county planning commission shall each submit to the board of
22 county commissioners a verified report of all fees charged and
23 collected during the preceding month.

1 For each petition for an appeal to the board of adjustment, the
2 county planning commission shall, upon approval and authorization by
3 the board of county commissioners, collect a fee sufficient to cover
4 the cost of mailing notices and conducting investigations into the
5 applicant's petition.

6 SECTION 2. AMENDATORY 19 O.S. 2001, Section 868.12, is
7 amended to read as follows:

8 Section 868.12 Zoning regulations are hereby defined as
9 regulations restricting the height, number of stories and size of
10 buildings, the percentage of lots that may be occupied, the size of
11 yards, courts and other open spaces, the density of population, the
12 location and use of buildings, structures and land for trade,
13 industry, residence, recreation or other purposes. For the purpose
14 of such zoning regulations the unincorporated territory of the
15 county may be divided into districts of such number, shape and area
16 as may be deemed best suited to carry out the purpose of this act
17 and shall be shown upon the zoning plan; and within such district,
18 the erection, construction, reconstruction, alteration or use of
19 buildings, structures or land may be regulated and restricted. All
20 such regulations shall be uniform for each class or kind of
21 buildings or land uses throughout each district, but the regulations
22 in one district may differ from those in other districts. The
23 regulations shall be made in accordance with a comprehensive plan,

1 and they shall give reasonable consideration, among other things, to
2 the existing character of the district and its suitability for
3 practical usage, while conserving the value of buildings and of
4 existing development and encouraging the most appropriate use of
5 land throughout the county.

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

20 The classification of the various uses of lands and buildings
21 shall provide separate districts for single-family dwellings, two-
22 family dwellings, multiple-family dwellings, commercial areas
23 devoted to small shops or stores designed to serve limited

1 residential areas, less restrictive business and industrial uses,
2 and unrestricted uses. ~~The height of buildings shall in no event be~~
3 ~~restricted to less than three (3) stories except in districts~~
4 ~~limited to one and two family dwellings in which buildings may be~~
5 ~~limited to a height of two (2) stories. The intensity of use of~~
6 ~~lands and buildings shall not be limited to less than one family per~~
7 ~~lot of two (2) acres and the~~ The regulation of yards and open spaces
8 shall bear a relationship to the uses of lands and buildings which
9 are permitted in the district. The height limitation and yard
10 requirements of residential districts may be imposed upon a
11 commercial district which is located immediately adjacent to a
12 dwelling district. The parking requirement for vehicles shall bear
13 reasonable relationship to the uses permitted in the district and
14 the physical size and arrangement of streets.

15 SECTION 3. This act shall become effective November 1, 2008.

16 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 3-24-08
17 - DO PASS, As Amended.