

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SENATE BILL 1555

By: David

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5
6 AS INTRODUCED

7 An Act relating to county planning and zoning;
8 amending 19 O.S. 2011, Section 866.2, which relates
9 to city and county powers; authorizing counties to
10 propose resolution to establish zoning regulations;
11 updating statutory language; clarifying certain
12 zoning areas within counties; requiring counties to
13 comply with certain statutes; amending 19 O.S. 2011,
14 Section 866.30, which relates to zoning regulations;
15 modifying certain area requirement; providing an
16 effective date; and declaring an emergency.

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

18 SECTION 1. AMENDATORY 19 O.S. 2011, Section 866.2, is
19 amended to read as follows:

20 Section 866.2. A. In any county of the state authorized to
21 avail itself of the provisions of ~~this act~~ Section 866.1 et seq. of
22 this title and form with a city located therein a cooperative
23 planning commission, ~~such~~ the city is hereby empowered to adopt,
24 amend, extend, add to or carry out a comprehensive plan for ~~such~~ the
city under the authority of existing statutes and laws and in
addition is hereby authorized to establish a housing code in
accordance with the provisions hereinafter set forth in ~~this act~~

1 Section 866.1 et seq. of this title, and it may also perform any
2 additional urban planning which is needed including, but not limited
3 to, surveys, land use studies, urban renewal plans, conservation
4 plans, technical service and other planning work.

5 ~~Such~~ 1. The county is hereby granted authority to establish
6 zoning regulations, a building code and construction codes and a
7 housing code in accordance with the provisions of ~~this act~~ Section
8 866.1 et seq. of this title for all the area located within three
9 (3) miles of ~~such~~ the municipality or within one-fourth (1/4) mile
10 of any state or federal highway located anywhere in the county, or
11 within one-half (1/2) mile of any water supply or reservoir owned by
12 the municipality, excluding, however, any incorporated area, except
13 as hereinafter provided; and ~~further provided that such~~

14 2. The county is hereby granted authority to adopt, amend,
15 extend, add to or carry out within the jurisdictional limits as
16 provided by ~~this act~~ Section 866.1 et seq. of this title, excluding,
17 however, any incorporated area and any unincorporated town which has
18 been platted for more than ten (10) years, except as hereinafter
19 provided, all additional elements of a comprehensive plan including,
20 but not limited to, plans for major streets and highways and other
21 elements of water, rail, air and land transportation plans, public
22 facilities plans, capital improvement programs, uniform regulations
23 for land subdivision and for the improvements located thereon,
24

1 building line regulations, urban renewal plans and conservation
2 plans. ~~However, the~~

3 3. The provisions of this section shall not be construed to
4 prohibit a municipality in a metropolitan area planning commission
5 from creating its own separate planning commission to act within the
6 boundary of the municipality.

7 B. In every county of this state having an upstream terminal
8 port and turnaround where navigation ends, or in any county
9 containing all or any part of a reservoir or reservoirs constructed
10 by the Bureau of Reclamation, the United States Army Corps of
11 Engineers or by the Grand River Dam Authority, ~~such.~~

12 1. The county is hereby granted authority, at the discretion of
13 the board of county commissioners, to propose by proper resolution
14 pursuant to Section 865.52 of this title and establish zoning
15 regulations, a building code and construction codes and a housing
16 code in accordance with the provisions of ~~this act for all or any~~
17 ~~part of the unincorporated area within the county, and further~~
18 ~~provided that such county is hereby granted authority to adopt,~~
19 ~~amend, extend, add to or carry out, throughout the unincorporated~~
20 ~~area of the county, additional elements of a comprehensive plan~~
21 ~~including, but not limited to, plans for major streets and highways~~
22 ~~and other elements of water, rail, air and land transportation~~
23 ~~plans, public facilities plans, capital improvement programs,~~
24 ~~uniform regulations for land subdivision and for the improvements~~

1 ~~located thereon, building line regulations and conservation plans~~
2 Section 866.1 et seq. of this title within the three-mile limit of
3 such port, navigation system, lake or reservoir.

4 C. Any county that has established regulations and codes
5 extending throughout the unincorporated areas of the county shall
6 comply with the requirements of this section upon the effective date
7 of this act.

8 SECTION 2. AMENDATORY 19 O.S. 2011, Section 866.30, is
9 amended to read as follows:

10 Section 866.30. A. The zoning power conferred herein shall not
11 apply to the erection or use of the usual farm buildings for
12 agricultural purposes or to the planting of agricultural crops, to
13 the extraction of oil or natural gas, or to forestry activities.

14 B. The power of the board to establish building and
15 construction codes shall not apply to:

16 1. A single family residence located on a separate parcel of
17 land under one ownership, containing ~~twenty (20)~~ ten (10) acres or
18 more in area;

19 2. Any lands which, as of the effective date hereof:

- 20 a. are devoted to manufacturing and/or industrial use, or
- 21 b. have been acquired by any owner for expansion of
- 22 facilities devoted to manufacturing and/or industrial
- 23 use, so long as such use or ownership continues;

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1 3. The acquisition of property or easements for or the
2 installation, construction, maintenance or use of structures,
3 facilities and property of electric cooperatives or public utilities
4 subject to the jurisdiction of the Corporation Commission of the
5 State of Oklahoma, or other similar state or federal body.

6 C. For purposes of this section, the term "forestry activity"
7 means any activity associated with the reforestation, growing,
8 managing, protecting and harvesting of timber, wood and forest
9 products including, but not limited to, forestry buildings and
10 structures. The term "forestry activity" shall not pertain to areas
11 and property which would restrict access to public road construction
12 or right-of-way.

13 SECTION 3. This act shall become effective July 1, 2012.

14 SECTION 4. It being immediately necessary for the preservation
15 of the public peace, health and safety, an emergency is hereby
16 declared to exist, by reason whereof this act shall take effect and
17 be in full force from and after its passage and approval.

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