

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

HOUSE BILL 3597

By: McBride

AS INTRODUCED

An Act relating to cities and towns; amending 11 O.S. 2021, Section 43-103, which relates to buildings and zoning; clarifying the procedure for when a conflict exists between municipal zoning laws and comprehensive plans; specifying that comprehensive plans shall not be legally binding; establishing that applications for rezoning that conform to comprehensive plans shall be approved except in specified instances; and providing an effective date.

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

SECTION 1. AMENDATORY 11 O.S. 2021, Section 43-103, is amended to read as follows:

Section 43-103. A. Municipal regulations as to buildings, structures and land shall be made in accordance with a comprehensive plan and be designed to accomplish any of the following objectives:

1. To lessen congestion in the streets;
2. To secure safety from fire, panic and other dangers;
3. To promote health and the general welfare, including the peace and quality of life of the district;
4. To provide adequate light and air;

1 5. To prevent the overcrowding of land;

2 6. To promote historical preservation;

3 7. To avoid undue concentration of population; ~~or~~

4 8. To facilitate the adequate provision of transportation,
5 water, sewerage, schools, parks and other public requirements. The
6 regulations shall be made with reasonable consideration, among other
7 things, as to the character of the district and its peculiar
8 suitability for particular uses, and with a view to conserving the
9 value of buildings and encouraging the most appropriate use of land
10 throughout the municipality. The governing body shall provide the
11 manner in which regulations, restrictions and district boundaries
12 shall be determined, established and enforced, and amended,
13 supplemented or changed; or

14 B. Where a conflict exists between application of a
15 municipality's zoning laws or regulations and the municipality's
16 comprehensive plan, the zoning laws and regulations shall prevail
17 over the comprehensive plan. A comprehensive plan shall not be
18 legally binding. A comprehensive plan shall be considered a
19 flexible plan that is merely a guide and advisory in nature.
20 Further, if an application for rezoning is presented to a
21 municipality and the proposed rezoning requests land use
22 designations for the property that are in conformity to the land use
23 designations in the municipality's adopted comprehensive plan, and
24 there are no reasonably verifiable and objective facts to support a

determination that the aspects of the proposed rezonings other than
its land use designations will result in harm to the public's
health, safety, or general welfare, then the rezoning application
shall be approved.

SECTION 2. This act shall become effective November 1, 2022.

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