

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

SENATE BILL 1586

By: David

AS INTRODUCED

An Act relating to buildings and zoning; amending 11 O.S. 2021, Section 41-101, which relates to surveys for certain construction projects; establishing procedure for approving certain applications; amending 11 O.S. 2021, Section 43-103, which relates to municipal regulations; providing certain construction; establishing procedure for approving certain applications; providing an effective date.

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

SECTION 1. AMENDATORY 11 O.S. 2021, Section 41-101, is amended to read as follows:

Section 41-101. A person intending to lay out a municipality or an addition or subdivision shall cause a survey and plat to be made of the land which is to be laid out. The plat shall particularly describe and set forth all streets, alleys, easements, commons or public grounds, all lots and blocks, and fractional lots within or adjoining the land, and give their names, width, courses, boundaries, and extent. If an application for preliminary or final plat is submitted in conformity to the applicable property's zoning

1 designation and to the municipality's adopted subdivision and  
2 engineering codes, ordinances, regulations, and criteria, then the  
3 applications shall be approved. Further, if any variances or  
4 exemptions to the municipality's adopted subdivision and engineering  
5 codes, ordinances, regulations, or criteria, are requested by the  
6 application of such preliminary or final plat, such variances or  
7 exceptions shall be approved if there are no reasonably verifiable  
8 and objective facts to support a determination that the proposed,  
9 variances or exemptions will result in harm to the public's health,  
10 safety, or general welfare.

11 SECTION 2. AMENDATORY 11 O.S. 2021, Section 43-103, is  
12 amended to read as follows:

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

- 16 1. To lessen congestion in the streets;
- 17 2. To secure safety from fire, panic and other dangers;
- 18 3. To promote health and the general welfare, including the  
19 peace and quality of life of the district;
- 20 4. To provide adequate light and air;
- 21 5. To prevent the overcrowding of land;
- 22 6. To promote historical preservation;
- 23 7. To avoid undue concentration of population; or
- 24

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

11        Where a conflict exists between application of municipality's  
12 zoning laws or regulations and the municipality's comprehensive  
13 plan, the zoning laws and regulations shall prevail over the  
14 comprehensive plan. A comprehensive plan shall not be legally  
15 binding. A comprehensive plan shall be considered a flexible plan  
16 that is merely a guide and advisory in nature. Further, if an  
17 application for a rezoning is presented to a municipality and the  
18 proposed rezoning requests land use designations for the property  
19 that are in conformity to the land use designations in the  
20 municipality's adopted comprehensive plan, and there are no  
21 reasonable verifiable and objective facts to support a determination  
22 that the aspects of the proposed rezoning other than its land use  
23 designations will result in harm to the public's health, safety, or  
24 general welfare, then the rezoning application shall be approved.

1       SECTION 3.   This act shall become effective November 1, 2022

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