

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               1st Session of the 60th Legislature (2025)

4 COMMITTEE SUBSTITUTE  
5 FOR ENGROSSED  
6 SENATE BILL NO. 647

By: Frix of the Senate

and

Stinson of the House

8  
9                               COMMITTEE SUBSTITUTE

10           [ cities and towns - regulations - restrictions -  
11           boundaries - requirements - legislative municipal  
12           procedures - municipal governing body - municipal  
13           zoning decisions - appeals - board of adjustment -  
14           internal citations - public improvements - plats -  
15           planning commission review - subdivision  
16           regulations - determinations - basis - notice -  
17           hearing - reasonable costs - effective date ]

18  
19  
20 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

21           SECTION 1.           AMENDATORY           11 O.S. 2021, Section 43-105, is  
22 amended to read as follows:

23           Section 43-105. A. Regulations, restrictions, and district  
24 boundaries of municipalities may be amended, supplemented, changed,

1 modified, or repealed. The requirements of Section 43-104 of this  
2 title on public hearings and notice shall apply to all proposed  
3 amendments or changes to regulations, restrictions, or district  
4 boundaries.

5 B. Protests against proposed changes shall be filed at least  
6 three (3) days before the date of the public hearings. If protests  
7 are filed by the owners of:

8 1. ~~the owners of twenty~~ Twenty percent (20%) or more of the  
9 area of the lots included in a proposed change; or

10 2. ~~the owners of fifty~~ Fifty percent (50%) or more of the area  
11 of the lots within a ~~three hundred (300) foot~~ three-hundred-foot  
12 radius of the exterior boundary of the territory included in a  
13 proposed change; or

14 then the proposed change or amendment shall not become effective  
15 except by the favorable vote of three-fourths (3/4) of all the  
16 members of the municipal governing body where there are more than  
17 seven members in the governing body, and by three-fifths (3/5)  
18 favorable vote where there are seven or ~~less~~ fewer members in the  
19 governing body.

20 C. While comprehensive plans may be utilized as a guide in the  
21 decision-making process, determinations shall be made in light of  
22 objective and relevant facts as well as by utilizing processes and  
23 requirements outlined in the municipal code.

1        D. The notice and hearing provisions in Sections 43-104 through  
2 43-106 of this title, or as otherwise may be applicable, are  
3 intended to provide members of the public with a right to be heard,  
4 explain how they think their interests are affected, and bring to  
5 the attention of the governing body objective and relevant facts.  
6 Information presented from the public that is neither objective or  
7 relevant shall not be determinative in land use application  
8 proceedings.

9        SECTION 2.        AMENDATORY        11 O.S. 2021, Section 43-109.1, is  
10 amended to read as follows:

11        Section 43-109.1. A. Any suit to challenge any action,  
12 decision, ruling, or order of the municipal governing body under the  
13 provisions of this article shall be filed with the district court  
14 within thirty (30) business days from the action, decision, ruling  
15 or order.

16        B. Municipal zoning decisions are deemed valid unless the  
17 challenging party proves the ordinance lacks a substantial relation  
18 to the public health, safety, or general welfare of the public in  
19 light of objective and relevant facts, or if a zoning decision  
20 constitutes an unreasonable, arbitrary exercise of police power.

21        SECTION 3.        AMENDATORY        11 O.S. 2021, Section 44-110, is  
22 amended to read as follows:

23        Section 44-110. A. An appeal from any action, decision,  
24 ruling, judgment, or order of the board of adjustment may be taken

1 by any person or persons who were entitled, pursuant to Section 44-  
2 108 of this title, to mailed notice of the public hearing before the  
3 board of adjustment, by any person or persons whose property  
4 interests are directly affected by such action, decision, ruling,  
5 judgment, or order of the board of adjustment, or by the governing  
6 body of the municipality to the district court in the county in  
7 which the situs of the municipality is located.

8 B. The appeal shall be taken by filing with the municipal clerk  
9 and with the clerk of the board of adjustment, within the time  
10 limits which may be fixed by ordinance, a notice of appeal. The  
11 notice shall specify the grounds for the appeal. No bond or deposit  
12 for costs shall be required for such appeal.

13 C. Upon filing the notice of appeal, the board of adjustment  
14 shall forthwith transmit to the court clerk the original, or  
15 certified copies, of all papers constituting the record in the case,  
16 together with the order, decision, or ruling of the board.

17 D. The appeal shall be heard and tried de novo in the district  
18 court. All issues in any proceedings under this section shall have  
19 preference over all other civil actions and proceedings.

20 E. 1. During the pendency of such an appeal, the effectiveness  
21 of a decision of the board of adjustment shall not be suspended  
22 unless a party applies to the district court for a stay pending the  
23 district court's determination of the merits of the appeal. Notice  
24 of such application shall be given by first class mail to all

1 parties, to the district court appeal, and to any applicant before  
2 the board of adjustment. Upon filing of an application for stay in  
3 the district court, all proceedings in furtherance of the action  
4 appealed from shall be temporarily stayed pending the outcome of a  
5 hearing regarding the stay, which shall be conducted within thirty  
6 (30) days of application. The Court shall determine whether to  
7 impose a stay by considering the following factors: ~~(i)~~

8 a. the likelihood of success on the merits by the party  
9 seeking to impose the stay, ~~(ii)~~

10 b. irreparable harm to the property interests of the  
11 party seeking to impose the stay if the stay is not  
12 imposed, ~~(iii)~~

13 c. relative effect on the other interested parties, and  
14 ~~(iv)~~

15 d. public policy concerns arising out of the imposition  
16 of the stay.

17 2. If the court determines to impose a stay, the court shall  
18 require a bond or other security and such other terms as it deems  
19 proper to secure the rights of the parties and compensate for costs  
20 of delay. A bond or other security shall be posted within ten (10)  
21 business days of the court's determination; provided, that a  
22 municipal governing body shall not be required to post a bond.  
23 Subject to subsection A of Section 990.3 of Title 12 of the Oklahoma  
24 Statutes, a stay pursuant to this subsection shall automatically

1 dissolve after a judgment, decree, or final order resolving the  
2 merits of the appeal is filed with the court clerk. Notwithstanding  
3 any provision of law to the contrary, stays in appeals from the  
4 board of adjustment to the district court shall be obtained only as  
5 set forth in this section.

6 F. The district court may reverse or affirm, wholly or partly,  
7 or modify the decision brought up for review. Costs shall not be  
8 allowed against the board of adjustment unless it shall appear to  
9 the district court that the board acted with gross negligence or in  
10 bad faith or with malice in making the decision appealed from. An  
11 appeal shall lie from the action of the district court as in all  
12 other civil actions. A party may obtain a stay of the enforcement  
13 of the district court's judgment, decree, or final order as provided  
14 by Section 990.4 of Title 12 of the Oklahoma Statutes.

15 SECTION 4. AMENDATORY 11 O.S. 2021, Section 45-104, is  
16 amended to read as follows:

17 Section 45-104. A. Before final action may be taken by any  
18 municipality or department thereof on the location, construction, or  
19 design of any public building, statue, memorial, park, parkway,  
20 boulevard, street, alley, playground, public ground, or bridge, or  
21 the change in the location or grade of any street or alley, the  
22 question shall be submitted to the planning commission for  
23 investigation and report. Counties and school districts may be  
24 exempted from the payment of a fee to obtain any license or permit

1 required by a zoning, building, or similar ordinance of a  
2 municipality.

3 B. All plans, plats, or replats of land laid out in lots or  
4 blocks, and the streets, alleys, or other portions of the same,  
5 intended to be dedicated to public or private use, within the  
6 corporate limits of a municipality, shall first be submitted to the  
7 municipal planning commission for its approval or rejection. Before  
8 ~~said~~ the plans, plats, or replats shall be entitled to be recorded  
9 in the office of the county clerk, they shall be approved by the  
10 municipal governing body. It shall be unlawful to offer and cause  
11 to be recorded any such plan, plat, or replat in any public office  
12 unless the same shall bear thereon, by endorsement or otherwise, the  
13 approval of the municipal governing body. Any plat filed without  
14 the endorsed approval of the municipal governing body shall not  
15 import notice nor impose any obligation or duties on the  
16 municipality. The disapproval of any such plan, plat, or replat by  
17 the municipal governing body shall be deemed a refusal of the  
18 proposed dedication shown thereon.

19 C. The municipal planning commission may exercise jurisdiction  
20 over subdivision of land and adopt regulations governing the  
21 subdivision of land within its jurisdiction. Any such regulations,  
22 before they become effective, shall be approved by the municipal  
23 governing body and shall be published as provided by law for the  
24 publication of ordinances. Such regulations may include provisions

1 as to the extent to which streets and other ways shall be graded and  
2 improved and to which water, sewer, and other utility mains, piping,  
3 or other facilities shall be installed as a condition precedent to  
4 the approval of the plat. The regulations may provide for a  
5 tentative approval of the plat before such installation. Any such  
6 tentative approval shall be revocable for failure to comply with  
7 commitments upon which the tentative approval was based and shall  
8 not be entered on the plat. In lieu of the completion of any  
9 improvements or utilities prior to the final approval of the plat,  
10 the commission may accept an adequate bond with surety, satisfactory  
11 to the commission, to secure for the municipality the actual  
12 construction and installation of the improvements or utilities at a  
13 time and according to specifications fixed by or in accordance with  
14 the regulations of the commission, and further conditioned that the  
15 developer will pay for all material and labor relating to the  
16 construction of the improvements. The municipality may enforce ~~said~~  
17 such bond by all appropriate legal and equitable remedies. Nothing  
18 in this section shall be construed as granting to any municipality  
19 or planning commission the power to direct any public utility to  
20 extend its services to any particular area.

21 D. Upon adoption of the regulations governing the subdivision  
22 of land as provided in subsection C of this section, no plat or deed  
23 or other instrument concerning the subdivision of land within the  
24 corporate limits of a municipality shall be filed with the county



1 clerk until it has been approved by the municipal planning  
2 commission of that municipality in accordance with the officially  
3 adopted regulations of subdivisions of that commission. If such  
4 approval is needed, the approval shall be endorsed on the face of  
5 the plat, or in the case of a deed or other instrument, in the form  
6 of a special subdivision certificate. If the adopted regulations  
7 exempt a certain subdivision of land from the approval requirement,  
8 the municipal planning commission shall provide to the county clerk  
9 an exemption statement to accompany the deed or instrument to be  
10 filed.

11 E. A municipality which contains large areas of rural land not  
12 served by water and sewer facilities by the municipality shall  
13 authorize the use of private roadways in either platted or unplatted  
14 areas and shall issue building permits to property owners whose  
15 property is abutting upon the private roadways, without complying  
16 with standards as provided for dedicated streets, subject to the  
17 following conditions:

18 1. The private roadway easement shall be at least fifty (50)  
19 feet in width; ~~and~~

20 2. The property abutting upon the private roadway shall contain  
21 not less than two (2) acres; provided, however, if the covenants of  
22 the subdivision allow for ~~Evapotranspiration Absorption Systems~~  
23 evapotranspiration absorption systems or an ~~Aerobic Wastewater~~  
24 ~~Treatment System~~ aerobic wastewater treatment system, the property

1 abutting upon the private roadway may contain not less than one (1)  
2 acre; ~~and~~

3 3. The property shall be more than one-fourth (1/4) mile from  
4 sewer and water facilities furnished by the municipality; ~~and~~

5 4. The private roadway shall not be dedicated to the public but  
6 reserved for future dedication and, until such future dedication,  
7 shall be the private roadway of the owners of the abutting property;  
8 ~~and~~

9 5. The private roadway shall be maintained by the owners of the  
10 property within the subdivision; ~~and~~

11 6. The municipality shall have no responsibility for the  
12 maintenance or repair of the private roadway; ~~and~~

13 7. If the property is platted, there shall be emblemized on  
14 the face of the plat, clearly conspicuous, a notice that the streets  
15 and drives have not been dedicated to the public and that the  
16 streets shall be maintained by the private property owners within  
17 the subdivision. ~~Said~~ Such streets shall always be open to police,  
18 fire, and other official vehicles of all state, federal, county, and  
19 municipal agencies; ~~and~~

20 8. Every deed shall clearly acknowledge that the roadway is  
21 private and not maintained by the municipality; ~~and~~

22 9. Prior to the sale of any parcel of land in the subdivision,  
23 a conspicuous sign shall be posted at the entrance to the  
24 subdivision: "Private roadway not maintained by \_\_\_\_\_ (the

1 municipality)". At any time after the municipality permits the use  
2 of ~~said~~ such private roadway, a petition of the owners of at least  
3 sixty percent (60%) of the area of the land to improve and dedicate  
4 the street shall bind all of the owners thereby to permanently  
5 improve the street or roadway in compliance with the requirements of  
6 the municipality; and

7 10. The planning commission may require the developer of such  
8 property to reserve appropriate utility easements for water, sewer,  
9 and any other utility installations as may be required for present  
10 and future development.

11 F. Municipal platting decisions are quasi-judicial in nature.  
12 The planning commission and the governing body of a municipality  
13 shall have reasonable discretion to determine the compliance of  
14 preliminary and final plats with the municipality's adopted  
15 subdivision regulations and all applicable codes and ordinances. If  
16 the planning commission and governing body determine the proposed  
17 plat is in compliance with the adopted subdivision code, and meets  
18 all applicable ordinances, and the governing body and planning  
19 commission accept any proposed dedications, if applicable, the plat  
20 shall be approved.

21 G. While comprehensive plans may be utilized as a guide in the  
22 decision-making process, determinations shall be made using  
23 applicable objective and relevant facts as to proposed plats as well  
24 as utilizing processes, standards, and requirements outlined in the

1 municipal code. Compliance with comprehensive plans shall not be a  
2 requirement for plat approval.

3 H. In the case of a preliminary or final plat denial, if  
4 requested by the applicant at the meeting on the vote, the city  
5 shall identify on the record, or in the minutes of the meeting, the  
6 basis for the denial, including at a minimum all of the applicable  
7 objective and relevant facts upon which the denial is based.

8 I. The notice and hearing provisions in Sections 43-104 through  
9 43-106 of this title, or as otherwise may be applicable, are  
10 intended to provide members of the public with a right to be heard,  
11 explain how they think their interests are affected, and bring to  
12 the attention of the governing body objective and relevant facts.  
13 Information presented from the public that is neither objective or  
14 relevant shall not be determinative in land use application  
15 proceedings.

16 SECTION 5. This act shall become effective November 1, 2025.

17  
18 COMMITTEE REPORT BY: COMMITTEE ON GOVERNMENT OVERSIGHT, dated  
19 04/24/2025 - DO PASS, As Amended.  
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