

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB573 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Adopted: \_\_\_\_\_

Amendment submitted by: Ryan Martinez \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 PROPOSED  
4 COMMITTEE SUBSTITUTE  
5 FOR ENGROSSED  
6 SENATE BILL NO. 573

By: Montgomery of the Senate  
and  
Martinez of the House

7  
8  
9  
10 PROPOSED COMMITTEE SUBSTITUTE

11 An Act relating to cities and towns; amending 11 O.S. 2021,  
12 Section 43-105, which relates to amendments or changes of  
13 regulations, restrictions, and boundaries related to zoning;  
14 prescribing parameters for municipal governing bodies to  
15 follow; amending 11 O.S. 2021, Section 45-104, which relates to  
16 Municipal Planning Commissions; prescribing parameters for  
17 municipal governing bodies to follow in considering amendments  
18 or modifications to preliminary plats and subdivisions; and  
19 providing an effective date.

20  
21  
22 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

Section 43-105. A. Regulations, restrictions and district  
boundaries of municipalities may be amended, supplemented, changed,  
modified or repealed. The requirements of Section 43-104 of this  
title on public hearings and notice shall apply to all proposed

1 amendments or changes to regulations, restrictions or district  
2 boundaries.

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

6 1. the owners of twenty percent (20%) or more of the area of  
7 the lots included in a proposed change, or

8 2. the owners of fifty percent (50%) or more of the area of the  
9 lots within a three hundred (300) foot radius of the exterior  
10 boundary of the territory included in a proposed change; then the  
11 proposed change or amendment shall not become effective except by  
12 the favorable vote of three-fourths of all the members of the  
13 municipal governing body where there are more than seven members in  
14 the governing body, and by three-fifths favorable vote where there  
15 are seven or less members in the governing body.

16 C. As to comprehensive and master plans, zoning designations,  
17 and planned unit developments, in considering applications for  
18 amendments, changes, modifications, revisions, or applications  
19 relating to such, a municipal governing body shall follow these  
20 parameters:

21 1. When a proposed zoning land use change conforms to the  
22 applicable land use designation in the municipality's adopted  
23 comprehensive plan or master plan, then such zoning land use  
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1 application shall have a presumptive right to be approved by the  
2 municipal governing body;

3 2. Rezoning applications shall not be denied merely on the  
4 basis of noncompliance with a comprehensive plan or master plan;

5 3. The municipal governing body shall consider the objective  
6 basic physical facts of the subject property and surrounding area,  
7 and no single consideration shall be treated as a dispositive basis  
8 for denial;

9 4. Municipal power to interfere by zoning with the general  
10 rights of property owners is limited, and the municipal governing  
11 body's decisions must be strictly bound by the limits of police  
12 power and must be based upon consideration of only objective and  
13 relevant basic physical facts that indicate whether the proposed  
14 zoning application if approved would be harmful to the health,  
15 safety, and welfare of the public; and

16 5. The notice and hearing provisions in Sections 43-104, 43-  
17 105, and 43-106 of this title, or otherwise as may be applicable,  
18 are intended to provide members of the public with a right to be  
19 heard. However, decisions on land use applications shall not be  
20 based upon the presence, numbers, or magnitude of opposition or  
21 protests to such applications.

22 SECTION 2. AMENDATORY 11 O.S. 2021, Section 45-104, is  
23 amended to read as follows:

24

1 Section 45-104. A. Before final action may be taken by any  
2 municipality or department thereof on the location, construction, or  
3 design of any public building, statue, memorial, park, parkway,  
4 boulevard, street, alley, playground, public ground, or bridge, or  
5 the change in the location or grade of any street or alley, the  
6 question shall be submitted to the planning commission for  
7 investigation and report. Counties and school districts may be  
8 exempted from the payment of a fee to obtain any license or permit  
9 required by a zoning, building, or similar ordinance of a  
10 municipality.

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

1 the municipal governing body shall be deemed a refusal of the  
2 proposed dedication shown thereon.

3 C. The municipal planning commission may exercise jurisdiction  
4 over subdivision of land and adopt regulations governing the  
5 subdivision of land within its jurisdiction. Any such regulations,  
6 before they become effective, shall be approved by the municipal  
7 governing body and shall be published as provided by law for the  
8 publication of ordinances. Such regulations may include provisions  
9 as to the extent to which streets and other ways shall be graded and  
10 improved and to which water, sewer, and other utility mains, piping,  
11 or other facilities shall be installed as a condition precedent to  
12 the approval of the plat. The regulations may provide for a  
13 tentative approval of the plat before such installation. Any such  
14 tentative approval shall be revocable for failure to comply with  
15 commitments upon which the tentative approval was based and shall  
16 not be entered on the plat. In lieu of the completion of any  
17 improvements or utilities prior to the final approval of the plat,  
18 the commission may accept an adequate bond with surety, satisfactory  
19 to the commission, to secure for the municipality the actual  
20 construction and installation of the improvements or utilities at a  
21 time and according to specifications fixed by or in accordance with  
22 the regulations of the commission, and further conditioned that the  
23 developer will pay for all material and labor relating to the  
24 construction of the improvements. The municipality may enforce said

1 bond by all appropriate legal and equitable remedies. Nothing in  
2 this section shall be construed as granting to any municipality or  
3 planning commission the power to direct any public utility to extend  
4 its services to any particular area.

5 D. Upon adoption of the regulations governing the subdivision  
6 of land as provided in subsection C of this section, no plat or deed  
7 or other instrument concerning the subdivision of land within the  
8 corporate limits of a municipality shall be filed with the county  
9 clerk until it has been approved by the municipal planning  
10 commission of that municipality in accordance with the officially  
11 adopted regulations of subdivisions of that commission. If such  
12 approval is needed, the approval shall be endorsed on the face of  
13 the plat, or in the case of a deed or other instrument, in the form  
14 of a special subdivision certificate. If the adopted regulations  
15 exempt a certain subdivision of land from the approval requirement,  
16 the municipal planning commission shall provide to the county clerk  
17 an exemption statement to accompany the deed or instrument to be  
18 filed.

19 E. A municipality which contains large areas of rural land not  
20 served by water and sewer facilities by the municipality shall  
21 authorize the use of private roadways in either platted or unplatted  
22 areas and shall issue building permits to property owners whose  
23 property is abutting upon the private roadways, without complying  
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1 with standards as provided for dedicated streets, subject to the  
2 following conditions:

3 1. The private roadway easement shall be at least fifty (50)  
4 feet in width; and

5 2. The property abutting upon the private roadway shall contain  
6 not less than two (2) acres; provided, however, if the covenants of  
7 the subdivision allow for Evapotranspiration Absorption Systems or  
8 an Aerobic Wastewater Treatment System, the property abutting upon  
9 the private roadway may contain not less than one (1) acre; and

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

12 4. The private roadway shall not be dedicated to the public but  
13 reserved for future dedication and, until such future dedication,  
14 shall be the private roadway of the owners of the abutting property;  
15 and

16 5. The private roadway shall be maintained by the owners of the  
17 property within the subdivision; and

18 6. The municipality shall have no responsibility for the  
19 maintenance or repair of the private roadway; and

20 7. If the property is platted, there shall be emblemized on  
21 the face of the plat, clearly conspicuous, a notice that the streets  
22 and drives have not been dedicated to the public and that the  
23 streets shall be maintained by the private property owners within  
24 the subdivision. Said streets shall always be open to police, fire,



1 and other official vehicles of all state, federal, county, and  
2 municipal agencies; and

3 8. Every deed shall clearly acknowledge that the roadway is  
4 private and not maintained by the municipality; and

5 9. Prior to the sale of any parcel of land in the subdivision,  
6 a conspicuous sign shall be posted at the entrance to the  
7 subdivision: "Private roadway not maintained by \_\_\_\_\_ (the  
8 municipality)". At any time after the municipality permits the use  
9 of said private roadway, a petition of the owners of at least sixty  
10 percent (60%) of the area of the land to improve and dedicate the  
11 street shall bind all of the owners thereby to permanently improve  
12 the street or roadway in compliance with the requirements of the  
13 municipality; and

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

18 F. As to preliminary plats and subdivisions, in considering  
19 applications for amendments, changes, modifications, revisions, or  
20 applications relating to such, a municipal governing body shall  
21 follow these parameters:

22 1. Determinations on preliminary plats shall be considered  
23 administrative procedures being quasi-judicial in nature;  
24

1        2. Determinations on preliminary plats shall be based upon the  
2 objective and clearly ascertainable standards which are expressly  
3 set forth in the zoning regulations and subdivision regulations and  
4 shall not be denied on the basis of noncompliance with a  
5 comprehensive plan or master plan; and

6        3. The notice and hearing provisions in Sections 43-104, 43-  
7 105, and 43-106 of this title, or otherwise as may be applicable,  
8 are intended to provide members of the public with a right to be  
9 heard. Decisions on preliminary plats and subdivisions shall not be  
10 based upon the presence, numbers, or magnitude of opposition or  
11 protests to such applications.

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

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14        58-2-11272        MJ        04/06/22  
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