

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

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

4 COMMITTEE SUBSTITUTE
FOR ENGROSSED
5 SENATE BILL NO. 647

By: Frix of the Senate

6 and

7 Stinson of the House

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]

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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1 modified, or repealed.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~~s~~; 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~~s~~,

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

- 9 a. the likelihood of success on the merits by the party
10 seeking to impose the stay, (ii)
- 11 b. irreparable harm to the property interests of the
12 party seeking to impose the stay if the stay is not
13 imposed, (iii)
- 14 c. relative effect on the other interested parties, and
15 (iv)
- 16 d. public policy concerns arising out of the imposition
17 of the stay.

18 2. If the court determines to impose a stay, the court shall
19 require a bond or other security and such other terms as it deems
20 proper to secure the rights of the parties and compensate for costs
21 of delay. A bond or other security shall be posted within ten (10)
22 business days of the court's determination; provided, that a
23 municipal governing body shall not be required to post a bond.
24 Subject to subsection A of Section 990.3 of Title 12 of the Oklahoma
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 emblematized 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.
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18 COMMITTEE REPORT BY: COMMITTEE ON GOVERNMENT OVERSIGHT, dated
19 04/24/2025 - DO PASS, As Amended.
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