

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL 1424

By: Proctor, Derby, Peterson,
Tibbs, (Shelton and
Pittman) of the House

6 and

7 Brogdon of the Senate

8
9
10 COMMITTEE SUBSTITUTE

11 An Act relating to improvement districts and zoning;
12 amending 11 O.S. 2001, Section 39-104, as amended by
13 Section 2, Chapter 454, O.S.L. 2003 (11 O.S. Supp.
14 2008, Section 39-104), which relates to improvement
15 districts; expanding certain exception; amending 11
16 O.S. 2001, Sections 43-104 and 43-106, which relate
17 to municipal zoning; providing for certain notice
18 requirements; providing for payment of certain costs;
19 amending 19 O.S. 2001, Sections 863.26, 865.66 and
20 866.29, which relate to city-county zoning; providing
21 for certain notice requirements; providing for
22 payment of certain costs; and providing an effective
23 date.

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

SECTION 1. AMENDATORY 11 O.S. 2001, Section 39-104, as
amended by Section 2, Chapter 454, O.S.L. 2003 (11 O.S. Supp. 2008,
Section 39-104), is amended to read as follows:

1 Section 39-104. Any district may include one or more streets or
2 areas which need not be contiguous and may include two ~~(2)~~ or more
3 types of improvements. Such improvements may be included in one ~~(1)~~
4 proceeding and constructed and financed as one improvement. The
5 district shall include, for the purpose of assessment, all the
6 property which the governing body determines is benefited by the
7 improvement or improvements, including property utilized for public,
8 governmental, or burial, ~~or~~ charitable purposes, except property of
9 the state or any agency thereof, a county, any charitable nonprofit
10 corporation, any religious organization used primarily for religious
11 purposes, or of the United States, or any agency, instrumentality or
12 corporation thereof, in the absence of consent of Congress. The
13 ~~board of county commissioners,~~ the governing body of a city, town,
14 or school district ~~or any agency or institution of state government~~
15 is authorized to pay the amount assessed against property under its
16 ownership or control.

17 SECTION 2. AMENDATORY 11 O.S. 2001, Section 43-104, is
18 amended to read as follows:

19 Section 43-104. A. Parties in interest and citizens shall have
20 an opportunity to be heard at a public hearing before any district
21 regulation, restriction, or boundary shall become effective. At
22 least fifteen (15) days' notice of the date, time, and place of the
23 hearing shall be published in a newspaper of general circulation in
24 the municipality. ~~Said~~ The notice shall include a map of the area

1 to be affected which indicates street names or numbers, streams, or
2 other significant landmarks in ~~said~~ the area.

3 B. In addition to the notice required in subsection A of this
4 section, if the zoning change involves multiple housing units, the
5 entity proposing the change in district regulation, restriction, or
6 boundary shall mail a written notice within thirty (30) days of the
7 hearing to all real property owners within one-quarter (1/4) of a
8 mile where the area to be affected is located and shall be
9 responsible for all costs incurred in mailing this notice.

10 SECTION 3. AMENDATORY 11 O.S. 2001, Section 43-106, is
11 amended to read as follows:

12 Section 43-106. A. Except as authorized in subsection B of
13 this section, in addition to the notice requirements provided for in
14 Section 43-104 of this title, notice of a public hearing on any
15 proposed zoning change, except by a municipality acting pursuant to
16 subsection B of this section, shall be given twenty (20) days prior
17 to the hearing by mailing written notice by the secretary of the
18 planning commission, or by the municipal clerk if there is no
19 planning commission, to all the owners of real property as provided
20 for in Section 43-105 of this title. In addition to the notice
21 required in this subsection, if the zoning change involves multiple
22 housing units, the entity proposing the zoning change shall mail a
23 written notice within thirty (30) days of the hearing to all real
24 property owners within one-quarter (1/4) of a mile where the area to

1 be affected is located and shall be responsible for all costs
2 incurred in mailing this notice. The notice shall contain the:

3 1. Legal description of the property and the street address or
4 approximate location in the municipality; ~~and~~

5 2. Present zoning of the property and the zoning sought by the
6 applicant; and

7 3. Date, time, and place of the public hearing.

8 In addition to written notice requirements, notice may also be given
9 by posting notice of ~~said~~ the hearing on the affected property at
10 least twenty (20) days before the date of the hearing.

11 B. If a municipality proposes zoning reclassifications in order
12 to revise its comprehensive plan or official map or to identify
13 areas which require specific land use development due to topography,
14 geography, or other distinguishing features, including but not
15 limited to floodplain, drainage, historic preservation, and blighted
16 areas, the governing body may require, in addition to the notice
17 requirements provided for in Section 43-104 of this title, a sign to
18 be posted on designated properties within the area affected by the
19 proposed zoning reclassification. The sign and the lettering
20 thereon shall be of sufficient size so as to be clearly visible and
21 legible from the public street or streets toward which it faces.

22 The notice shall state:

23 1. The date, time, and place of the public hearing; ~~and~~

24 2. Who will conduct the public hearing; ~~and~~

- 1 3. The desired zoning classification; ~~and~~
- 2 4. The proposed use of the property; and
- 3 5. Other information as may be necessary to provide adequate
- 4 and timely public notice.

5 SECTION 4. AMENDATORY 19 O.S. 2001, Section 863.26, is
6 amended to read as follows:

7 Section 863.26 A. Notice of all public hearings herein
8 provided for shall be given by one ~~(1)~~ publication in a newspaper of
9 general circulation in the county at least fifteen (15) days prior
10 to the date of such hearing.

11 B. In addition to the notice required in subsection A of this
12 section, if the zoning change involves multiple housing units, the
13 entity proposing the zoning change shall mail a written notice
14 within thirty (30) days of the hearing to all real property owners
15 within one-quarter (1/4) of a mile where the area to be affected is
16 located and shall be responsible for all costs incurred in mailing
17 this notice.

18 SECTION 5. AMENDATORY 19 O.S. 2001, Section 865.66, is
19 amended to read as follows:

20 Section 865.66 A. Notice of all public hearings herein
21 provided for shall be given by one publication in a newspaper of
22 general circulation in the municipality and the county at least
23 fifteen (15) days prior to the date of such hearing.

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1 B. In addition to the notice required in subsection A of this
2 section, if the zoning change involves multiple housing units, the
3 entity proposing the zoning change shall mail a written notice
4 within thirty (30) days of the hearing to all real property owners
5 within one-quarter (1/4) of a mile where the area to be affected is
6 located and shall be responsible for all costs incurred in mailing
7 this notice.

8 SECTION 6. AMENDATORY 19 O.S. 2001, Section 866.29, is
9 amended to read as follows:

10 Section 866.29 A. Notice of all public hearings herein
11 provided for shall be given by one ~~(1)~~ publication in a newspaper of
12 general circulation in the municipality and the county at least
13 fifteen (15) days prior to the date of such hearing.

14 B. In addition to the notice required in subsection A of this
15 section, if the zoning change involves multiple housing units, the
16 entity proposing the zoning change shall mail a written notice
17 within thirty (30) days of the hearing to all real property owners
18 within one-quarter (1/4) of a mile where the area to be affected is
19 located and shall be responsible for all costs incurred in mailing
20 this notice.

21 SECTION 7. This act shall become effective November 1, 2009.

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