

1 ENGROSSED HOUSE  
2 BILL NO. 1424

By: Proctor, Derby, Peterson  
and Tibbs of the House

3 and

4 Brogdon of the Senate  
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8 An Act relating to zoning; amending 11 O.S. 2001,  
9 Sections 43-104 and 43-106, which relate to municipal  
10 zoning; providing for certain notice requirements;  
11 providing for payment of certain costs; amending 19  
12 O.S. 2001, Sections 863.26, 865.66 and 866.29, which  
13 relate to city-county zoning; providing for certain  
14 notice requirements; providing for payment of certain  
15 costs; and providing an effective date.

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

17 SECTION 1. 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 registered voters within one-quarter (1/4) of a mile  
8 where the area to be affected is located and shall be responsible  
9 for all costs incurred in mailing this notice.

10 SECTION 2. 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  
24 registered voters within one-quarter (1/4) of a mile where the area

1 to 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 hearing on the affected property at least  
10 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. The  
22 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 3.        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 registered voters  
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 4.        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 registered voters  
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 5.        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 registered voters  
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 6. This act shall become effective November 1, 2009.  
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