

ENROLLED HOUSE
BILL NO. 1424

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

and

Brogdon and Adelson of the
Senate

An Act relating to improvement districts and zoning; amending 11 O.S. 2001, Sections 43-104 and 43-106, which relate to municipal zoning; providing for certain notice requirements; providing for payment of certain costs; defining term; amending 19 O.S. 2001, Sections 863.26, 865.66 and 866.29, which relate to city-county zoning; providing for certain notice requirements; providing for payment of certain costs; defining term; and providing an effective date.

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

SECTION 1. AMENDATORY 11 O.S. 2001, Section 43-104, is amended to read as follows:

Section 43-104. A. Parties in interest and citizens shall have an opportunity to be heard at a public hearing before any district regulation, restriction, or boundary shall become effective. At least fifteen (15) days' notice of the date, time, and place of the hearing shall be published in a newspaper of general circulation in the municipality. ~~Said~~ The notice shall include a map of the area to be affected which indicates street names or numbers, streams, or other significant landmarks in ~~said~~ the area.

B. In addition to the notice required in subsection A of this section, if the zoning change requested permits the use of treatment facilities, multiple family facilities, transitional living facilities, halfway houses and any housing or facility that may be

used for medical or nonmedical detoxification as these terms are defined pursuant to Section 3-403 of Title 43A of the Oklahoma Statutes, the entity proposing the change in district regulation, restriction, or boundary shall mail a written notice within thirty (30) days of the hearing to all real property owners within one-quarter (1/4) of a mile where the area to be affected is located and shall be responsible for all costs incurred in mailing this notice.

For purposes of this subsection, "entity" means any individual, corporation, company, firm, partnership, association, trust, state agency, government instrumentality or agency, institution, county, incorporated municipality or municipal authority or trust in which any governmental entity is a beneficiary, venture, or other legal entity however organized.

SECTION 2. AMENDATORY 11 O.S. 2001, Section 43-106, is amended to read as follows:

Section 43-106. A. Except as authorized in subsection B of this section, in addition to the notice requirements provided for in Section 43-104 of this title, notice of a public hearing on any proposed zoning change, except by a municipality acting pursuant to subsection B of this section, shall be given twenty (20) days prior to the hearing by mailing written notice by the secretary of the planning commission, or by the municipal clerk if there is no planning commission, to all the owners of real property as provided for in Section 43-105 of this title. In addition to the notice required in this subsection, if the zoning change requested permits the use of treatment facilities, multiple family facilities, transitional living facilities, halfway houses and any housing or facility that may be used for medical or nonmedical detoxification as these terms are defined pursuant to Section 3-403 of Title 43A of the Oklahoma Statutes, the entity proposing the zoning change shall mail a written notice within thirty (30) days of the hearing to all real property owners within one-quarter (1/4) of a mile where the area to be affected is located and shall be responsible for all costs incurred in mailing this notice. The notice shall contain the:

1. Legal description of the property and the street address or approximate location in the municipality; ~~and~~
2. Present zoning of the property and the zoning sought by the applicant; and

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

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

For purposes of this subsection, "entity" means any individual, corporation, company, firm, partnership, association, trust, state agency, government instrumentality or agency, institution, county, incorporated municipality or municipal authority or trust in which any governmental entity is a beneficiary, venture, or other legal entity however organized.

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

1. The date, time, and place of the public hearing; ~~and~~
2. Who will conduct the public hearing; ~~and~~
3. The desired zoning classification; ~~and~~
4. The proposed use of the property; and
5. Other information as may be necessary to provide adequate and timely public notice.

SECTION 3. AMENDATORY 19 O.S. 2001, Section 863.26, is amended to read as follows:

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

B. In addition to the notice required in subsection A of this section, if the zoning change requested permits the use of treatment facilities, multiple family facilities, transitional living facilities, halfway houses and any housing or facility that may be used for medical or nonmedical detoxification as these terms are defined pursuant to Section 3-403 of Title 43A of the Oklahoma Statutes, the entity proposing the zoning change shall mail a written notice within thirty (30) days of the hearing to all real property owners within one-quarter (1/4) of a mile where the area to be affected is located and shall be responsible for all costs incurred in mailing this notice.

For purposes of this subsection, "entity" means any individual, corporation, company, firm, partnership, association, trust, state agency, government instrumentality or agency, institution, county, incorporated municipality or municipal authority or trust in which any governmental entity is a beneficiary, venture, or other legal entity however organized.

SECTION 4. AMENDATORY 19 O.S. 2001, Section 865.66, is amended to read as follows:

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

B. In addition to the notice required in subsection A of this section, if the zoning change requested permits the use of treatment facilities, multiple family facilities, transitional living facilities, halfway houses and any housing or facility that may be used for medical or nonmedical detoxification as these terms are defined pursuant to Section 3-403 of Title 43A of the Oklahoma Statutes, the entity proposing the zoning change shall mail a written notice within thirty (30) days of the hearing to all real property owners within one-quarter (1/4) of a mile where the area to be affected is located and shall be responsible for all costs incurred in mailing this notice.

For purposes of this subsection, "entity" means any individual, corporation, company, firm, partnership, association, trust, state agency, government instrumentality or agency, institution, county, incorporated municipality or municipal authority or trust in which any governmental entity is a beneficiary, venture, or other legal entity however organized.

SECTION 5. AMENDATORY 19 O.S. 2001, Section 866.29, is amended to read as follows:

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

B. In addition to the notice required in subsection A of this section, if the zoning change requested permits the use of treatment facilities, multiple family facilities, transitional living facilities, halfway houses and any housing or facility that may be used for medical or nonmedical detoxification as these terms are defined pursuant to Section 3-403 of Title 43A of the Oklahoma Statutes, the entity proposing the zoning change shall mail a written notice within thirty (30) days of the hearing to all real property owners within one-quarter (1/4) of a mile where the area to be affected is located and shall be responsible for all costs incurred in mailing this notice.

For purposes of this subsection, "entity" means any individual, corporation, company, firm, partnership, association, trust, state agency, government instrumentality or agency, institution, county, incorporated municipality or municipal authority or trust in which any governmental entity is a beneficiary, venture, or other legal entity however organized.

SECTION 6. This act shall become effective November 1, 2009.

Passed the House of Representatives the 12th day of May, 2009.

Presiding Officer of the House of
Representatives

Passed the Senate the 14th day of May, 2009.

Presiding Officer of the Senate