

THE HOUSE OF REPRESENTATIVES  
Thursday, February 26, 2009

## House Bill No. 1424

HOUSE BILL NO. 1424 - By: PROCTOR of the House and BROGDON of the Senate.

An Act relating to 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; 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; and providing an effective date.

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

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

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

9 B. In addition to the notice required in subsection A of this section, if the zoning  
10 change involves multiple housing units, the entity proposing the change in district  
11 regulation, restriction, or boundary shall mail a written notice within thirty (30) days of

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

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

5 Section 43-106. A. Except as authorized in subsection B of this section, in addition  
6 to the notice requirements provided for in Section 43-104 of this title, notice of a public  
7 hearing on any proposed zoning change, except by a municipality acting pursuant to  
8 subsection B of this section, shall be given twenty (20) days prior to the hearing by  
9 mailing written notice by the secretary of the planning commission, or by the municipal  
10 clerk if there is no planning commission, to all the owners of real property as provided for  
11 in Section 43-105 of this title. In addition to the notice required in this subsection, if the  
12 zoning change involves multiple housing units, the entity proposing the zoning change  
13 shall mail a written notice within thirty (30) days of the hearing to all registered voters  
14 within one-quarter (1/4) of a mile where the area to be affected is located and shall be  
15 responsible for all costs incurred in mailing this notice. The notice shall contain the:

- 16 1. Legal description of the property and the street address or approximate location  
17 in the municipality; and  
18 2. Present zoning of the property and the zoning sought by the applicant; and  
19 3. Date, time, and place of the public hearing.

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

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

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

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

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

21 B. In addition to the notice required in subsection A of this section, if the zoning  
22 change involves multiple housing units, the entity proposing the zoning change shall

1 mail a written notice within thirty (30) days of the hearing to all registered voters within  
2 one-quarter (1/4) of a mile where the area to be affected is located and shall be  
3 responsible for all costs incurred in mailing this notice.

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

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

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

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

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

19 B. In addition to the notice required in subsection A of this section, if the zoning  
20 change involves multiple housing units, the entity proposing the zoning change shall  
21 mail a written notice within thirty (30) days of the hearing to all registered voters within

1 one-quarter (1/4) of a mile where the area to be affected is located and shall be  
2 responsible for all costs incurred in mailing this notice.

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

4 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 02-  
5 25-09 - DO PASS, As Coauthored.