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THE STATE SENATE
Wednesday, April 1, 2009

Committee Substitute for
ENGROSSED
House Bill No. 1424

COMMITTEE SUBSTITUTE FOR ENGROSSED HOUSE BILL NO. 1424 - By:
Proctor, Derby, Peterson, Tibbs, Shelton and Pittman of the House
and Brogdon of the Senate.

An Act relating to improvement districts and zoning;
amending 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), which relates to improvement districts; expanding
certain exception; 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:

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:

Section 39-104. Any district may include one or more streets or
areas which need not be contiguous and may include two ~~(2)~~ or more
types of improvements. Such improvements may be included in one ~~(1)~~
proceeding and constructed and financed as one improvement. The
district shall include, for the purpose of assessment, all the
property which the governing body determines is benefited by the

1 improvement or improvements, including property utilized for public,
2 governmental, or ~~burial, or charitable~~ purposes, except property of
3 the state or any agency thereof, a county, any charitable nonprofit
4 corporation, any religious organization used primarily for religious
5 purposes, or of the United States, or any agency, instrumentality or
6 corporation thereof, in the absence of consent of Congress. The
7 ~~board of county commissioners, the~~ governing body of a city, town,
8 or school district ~~or any agency or institution of state government~~
9 is authorized to pay the amount assessed against property under its
10 ownership or control.

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

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

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

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

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

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

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

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

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

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

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

18 The notice shall state:

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

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

21 3. The desired zoning classification; ~~and~~

22 4. The proposed use of the property; and

1 5. Other information as may be necessary to provide adequate
2 and timely public notice.

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

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

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

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

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

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

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

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

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

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

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

20 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 3-30-09
21 - DO PASS, As Amended and Coauthored.