

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1424

By: Proctor

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5  
6 AS INTRODUCED

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

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

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

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

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 change in district regulation, restriction, or  
4 boundary shall mail a written notice within thirty (30) days of the  
5 hearing to all registered voters within one-quarter (1/4) of a mile  
6 where the area to be affected is located and shall be responsible  
7 for all costs incurred in mailing this notice.

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

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

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

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

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

- 21        1. The date, time, and place of the public hearing; and
- 22        2. Who will conduct the public hearing; and
- 23        3. The desired zoning classification; and
- 24        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 3. 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 registered voters  
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 4. 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  
24 entity proposing the zoning change shall mail a written notice

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

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

7 Section 866.29 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 municipality and the county at least  
10 fifteen (15) days prior 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 6. This act shall become effective November 1, 2009.

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20 52-1-6461 MMP 01/02/09

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