

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 HOUSE BILL 2282

By: Pittman

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5  
6 AS INTRODUCED

7 An Act relating to cities and towns; amending 11 O.S.  
8 2011, Sections 43-104 and 43-106, which relate to  
9 notice and public hearing of proposed zoning  
10 regulations, restrictions or boundaries; requiring  
11 additional written notice for certain special purpose  
12 districts or specific land use development; providing  
13 for timing and recipients of written notice; and  
14 providing an effective date.

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

16 SECTION 1. AMENDATORY 11 O.S. 2011, 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. The notice shall include a map of the area to be  
24 affected which indicates street names or numbers, streams, or other  
significant landmarks in the area.

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

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

18 C. In addition to the notice required in subsection A of this  
19 section, if the zoning change requested provides for the  
20 establishment of or amendment, change, or modification to a special  
21 purpose district or a specific land use development, including but  
22 not limited to a historic preservation district, a neighborhood  
23 conservation district or any special interest or special value  
24 development district, the municipality shall mail a written notice

1 within ninety (90) days of the hearing to all real property owners  
2 within a one-quarter (1/4) mile radius of the exterior boundary of  
3 the subject property.

4 SECTION 2. AMENDATORY 11 O.S. 2011, Section 43-106, is  
5 amended to read as follows:

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

- 3 1. Legal description of the property and the street address or  
4 approximate location in the municipality;
- 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  
9 given by posting notice of the hearing on the affected property at  
10 least twenty (20) days before the date of the hearing.

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

17 B. If a municipality proposes zoning reclassifications in order  
18 to revise its comprehensive plan or official map or to identify  
19 areas which require specific land use development due to topography,  
20 geography, or other distinguishing features, including but not  
21 limited to floodplain, drainage, historic preservation, and blighted  
22 areas, the governing body may require, in addition to the notice  
23 requirements provided for in subsections A and C of Section 43-104  
24 of this title, a sign to be posted on designated properties within

1 the area affected by the proposed zoning reclassification. The sign  
2 and the lettering thereon shall be of sufficient size so as to be  
3 clearly visible and legible from the public street or streets toward  
4 which it faces. The notice shall state:

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

11 SECTION 3. This act shall become effective November 1, 2013.

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