



AN ACT REVISING COUNTY INTERIM ZONING REQUIREMENTS AND PROCEDURES; REQUIRING A COUNTY TO INITIATE A STUDY OR INVESTIGATION TO VERIFY THE EXISTENCE OF AN EMERGENCY; ELIMINATING THE SPECIFICATION OF EXIGENT CIRCUMSTANCES; REQUIRING CERTAIN PROCEDURES FOR THE EXTENSION OF A RESOLUTION FOR AN INTERIM ZONING DISTRICT OR INTERIM REGULATION; AND AMENDING SECTION 76-2-206, MCA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 76-2-206, MCA, is amended to read:

"76-2-206. Interim zoning district or regulation. (1) Subject to subsection (3), the board of county commissioners may establish an interim zoning district or interim regulation ~~as to address~~ an emergency ~~measure~~ in order to promote that involves the public health, safety, morals, ~~and general or general~~ welfare if:

(a) the purpose of the interim zoning district or interim regulation is to classify ~~and regulate~~ those uses and related matters that ~~constitute~~ must be regulated to mitigate the emergency; and

(b) within 30 working days, the county: initiates a study or investigation to verify that an emergency exists and to identify the facts and circumstances that constitute the emergency, the potential options for mitigating the emergency, and the course of action that the governing body intends to take, if any, during the term of the interim zoning district or interim regulation to mitigate the emergency.

~~—— (i) is conducting or in good faith intends to conduct studies within a reasonable time; or~~

~~—— (ii) has held or is holding a hearing for the purpose of considering any of the following:~~

~~—— (A) a growth policy;~~

~~—— (B) zoning regulations; or~~

~~—— (C) a revision to a growth policy, to a master plan, as provided for in 76-1-604(6) and 76-2-201(2), or to zoning regulations pursuant to this part.~~

(2) A resolution for an interim zoning district or interim regulation must be limited to ~~4-year~~ 1 year from the date it becomes effective. Subject to ~~subsection (3)~~ subsections (4) and (5), the board of county

commissioners may extend the resolution for 1 year, but not more than one extension may be made.

(3) The board of county commissioners shall observe the following procedures in the establishment of an interim zoning district or interim regulation:

(a) Notice of a public hearing on the proposed interim zoning district boundaries or of the interim regulation must be published ~~once a week for 2 weeks in a newspaper of general circulation within the county as provided in 7-1-2121.~~ In addition to the requirements of 7-1-2121, the notice must state:

(i) the boundaries of the proposed district;

(ii) the specific emergency ~~or exigent circumstance~~ compelling the establishment of the proposed interim zoning district or interim regulation;

(iii) the general character of the proposed interim zoning district or interim regulation, including how those uses and related matters that must be regulated to mitigate the emergency will be classified and regulated; and

~~(iv) the time and place of the public hearing; and~~

~~(v)~~(iv) that the proposed interim zoning district or interim regulation is on file for public inspection at the office of the county clerk and recorder.

(b) At the public hearing, the board of county commissioners shall give the public an opportunity to be heard regarding the proposed establishment of an interim zoning district or interim regulation.

(c) After the hearing, the board of county commissioners may adopt a resolution to establish an interim zoning district or interim regulation.

(4) The board of county commissioners shall observe the following procedures in the extension of a resolution pursuant to subsection (2):

(a) A study or investigation as provided in subsection (1)(b) must be completed prior to the hearing on the proposed extension of the resolution.

(b) Notice of a public hearing on the proposed extension of the resolution must be published as provided in 7-1-2121. In addition to the requirements of 7-1-2121, the notice must state:

(i) the boundaries of the existing interim zoning district;

(ii) the specific emergency that compelled the establishment of the existing interim zoning district or interim regulation and the reason for the proposed extension of the resolution; and

(iii) that the proposed extension of the resolution is on file for public inspection at the office of the county clerk and recorder.

(c) At the public hearing, which must be held prior to the expiration of the existing interim zoning district or interim zoning regulation, the board of county commissioners shall give the public an opportunity to be heard regarding the proposed extension of the resolution.

(5) After the hearing provided for in subsection (4), the board of county commissioners may in its discretion extend the resolution for the interim zoning district or interim regulation."

- END -

I hereby certify that the within bill,
SB 0023, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2013.

Speaker of the House

Signed this _____ day
of _____, 2013.

SENATE BILL NO. 23

INTRODUCED BY M. ROSENDALE

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