

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO PLANNING AND
5 ZONING DISTRICTS; REQUIRING THE SUBMISSION OF DRAFT PROPOSALS OF DEVELOPMENT
6 PATTERNS AND ZONING REGULATIONS BEFORE DETERMINING THE NUMBER OF PETITIONS
7 NECESSARY TO CREATE A CITIZEN-INITIATED ZONING DISTRICT; EXTENDING THE PERIOD TO
8 PROTEST THE CREATION OF A PLANNING AND ZONING DISTRICT; REQUIRING THE SUBMITTAL OF
9 DRAFT RESOLUTIONS TO THE BOARD OF COUNTY COMMISSIONERS; PROVIDING THAT
10 PETITIONERS ARE LIABLE FOR EXTRA COSTS RELATED TO THE VALIDATION OF SIGNATURES OF
11 MINERAL RIGHTS OWNERS; AND AMENDING SECTION 76-2-101, MCA."

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

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15 **Section 1.** Section 76-2-101, MCA, is amended to read:

16 **"76-2-101. Planning and zoning commission and district.** (1) (a) Subject to the provisions of
17 ~~subsection~~ subsections (5) and (6), whenever the public interest or convenience may require and upon petition
18 of 60% of the affected real property owners in the proposed district, the board of county commissioners may
19 create a planning and zoning district and may appoint a planning and zoning commission consisting of up to
20 seven members.

21 (b) If the affected real property owners as provided in subsection (1)(a) are determined to include
22 owners of mineral rights in the proposed district, the petitioners are liable for any additional costs necessary to
23 collect and verify the names and addresses of the owners of mineral rights if the county does not already have
24 the information readily available.

25 (2) A planning and zoning district may not be created in an area that has been zoned by an
26 incorporated city pursuant to 76-2-310 and 76-2-311.

27 (3) For the purposes of this part, the word "district" means any area that consists of not less than 40
28 acres.

1 (4) Except as provided in subsection (5), an action challenging the creation of a planning and zoning
2 district must begin within 6 months after the date of the order by the board of county commissioners creating
3 the district.

4 (5) If real property owners representing 50% of the titled property ownership in the district protest the
5 establishment of the district within ~~30~~ 90 days of its creation, the board of county commissioners may not create
6 the district. An area included in a district protested under this subsection may not be included in a zoning district
7 petition under this section for a period of 1 year.

8 (6) (a) Before the board of county commissioners determines whether the number of affected real
9 property owners necessary to meet the petition requirement of subsection (1) has been met, draft documents of
10 the proposed materials that may potentially govern the proposed district must be made available to the board of
11 county commissioners. Draft documents of the proposed materials required in this subsection (6) may include
12 but are not limited to drafts of:

- 13 (i) a development pattern as provided in 76-2-104;
14 (ii) a resolution as provided in 76-2-107; and
15 (iii) the land use and zoning regulations as provided in 76-2-107.

16 (b) The board of county commissioners shall use the draft documents provided as required in
17 subsection (6)(a) to determine the real property owners in the district that qualify as affected property owners
18 pursuant to subsection (1).

19 (c) The final adopted development pattern, resolutions, and other materials that govern the zoning
20 district as required in 76-2-104 and 76-2-107 must be substantially similar to the draft documents provided to
21 the county commissioners as required in subsection (6)(a)."

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