

SENATE BILL NO. 343
INTRODUCED BY LAIBLE

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT ~~ALL~~ 85 PERCENT OF THE AFFECTED FREEHOLDERS PETITION BEFORE A COUNTY MAY CREATE A PLANNING AND ZONING DISTRICT; PROHIBITING CREATION OF A DISTRICT IF FREEHOLDERS REPRESENTING 35 PERCENT OF THE TITLED PROPERTY OWNERSHIP PROTEST A DISTRICT'S ESTABLISHMENT; AND AMENDING SECTION 76-2-101, MCA."

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

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

"76-2-101. Planning and zoning commission and district. (1) Subject to the provisions of subsection (5), whenever the public interest or convenience may require and upon petition of ~~60%~~ all 85% of the affected freeholders, the board of county commissioners may create a planning and zoning district and appoint a planning and zoning commission consisting of seven members.

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

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

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

(5) If freeholders representing ~~50%~~ 35% of the titled property ownership in the district protest the establishment of the district within 30 days of its creation, the board of county commissioners may not create the district. An area included in a district protested under this subsection may not be included in a zoning district petition under this section for a period of 1 year."

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