

SENATE BILL NO. 503
INTRODUCED BY G. PERRY

A BILL FOR AN ACT ENTITLED: "AN ACT EXTENDING THE PROTEST PERIOD FOR COUNTY ZONING AND REVISING WHO MAY PROTEST ZONING UNDER CERTAIN CIRCUMSTANCES; AND AMENDING SECTION 76-2-205, MCA."

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

Section 1. Section 76-2-205, MCA, is amended to read:

"76-2-205. Procedure for adoption of regulations and boundaries. The board of county commissioners shall observe the following procedures in the establishment or revision of boundaries for zoning districts and in the adoption or amendment of zoning regulations:

(1) Notice of a public hearing on the proposed zoning district boundaries and of regulations for the zoning district must be published once a week for 2 weeks in a newspaper of general circulation within the county. The notice must state:

- (a) the boundaries of the proposed district;
- (b) the general character of the proposed zoning regulations;
- (c) the time and place of the public hearing;

(d) that the proposed zoning regulations are on file for public inspection at the office of the county clerk and recorder.

(2) At the public hearing, the board of county commissioners shall give the public an opportunity to be heard regarding the proposed zoning district and regulations.

(3) After the public hearing, the board of county commissioners shall review the proposals of the planning board and shall make any revisions or amendments that it determines to be proper.

(4) The board of county commissioners may pass a resolution of intention to create a zoning district and to adopt zoning regulations for the district.

(5) The board of county commissioners shall publish notice of passage of the resolution of intention once a week for 2 weeks in a newspaper of general circulation within the county. The notice must state:

- (a) the boundaries of the proposed district;
- (b) the general character of the proposed zoning regulations;

(c) that the proposed zoning regulations are on file for public inspection at the office of the county clerk and recorder;

(d) that for ~~30~~ 60 days after first publication of this notice, the board of county commissioners will receive written protests, subject to subsection (7), to the creation of the zoning district or to the zoning regulations from persons owning real property within the district whose names appear on the last-completed assessment roll of the county.

(6) Within ~~30~~ 60 days after the expiration of the protest period, the board of county commissioners may in its discretion adopt the resolution creating the zoning district or establishing the zoning regulations for the district. However, ~~except as provided in subsection (7)(d)~~, if 40% of the ~~freeholders~~ real property owners within the district whose names appear on the last-completed assessment roll or if ~~freeholders~~ real property owners representing 50% of the titled property ownership whose property is taxed for agricultural purposes under 15-7-202 or whose property is taxed as forest land under Title 15, chapter 44, part 1, have, subject to subsection (7), protested the establishment of the district or adoption of the regulations, the board of county commissioners may not adopt the resolution and a further zoning resolution may not be proposed for the district for a period of 1 year.

(7) For the purposes of subsections (5) and (6), protests may be filed with the board of county commissioners:

(a) against the creation of a zoning district in an area not zoned under this chapter by the owners of real property within the boundaries of the proposed district;

(b) against the revision or amendment of zoning regulations by the owners of real property within the boundaries of the zoning district;

(c) against a change in the zoning of a particular parcel or area by the owners of real property within the boundaries of the zoning district in which the property or area is located; and

(d) against the creation of a zoning district in an area zoned under this part by ~~all~~ THE OWNERS OF real property ~~owners~~ within the boundaries of the area affected by the creation of the zoning district."

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