

HOUSE BILL NO. 548

INTRODUCED BY J. HAMILTON

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING PROTEST PROVISIONS FOR COUNTY ZONING; INCREASING THE PERCENTAGE OF PROPERTY OWNERS REQUIRED TO PREVENT CREATION OF A ZONING DISTRICT OR ESTABLISHMENT OF REGULATIONS; ELIMINATING PROTEST SPECIFIC TO PROPERTY OWNERS WHOSE PROPERTY IS TAXED FOR AGRICULTURAL PURPOSES OR AS FOREST LAND; 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:

(a) state:

(i) the boundaries of the proposed district;

(ii) the general character of the proposed zoning regulations;

(iii) the time and place of the public hearing; and

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

(b) be posted not less than 45 days before the public hearing in at least five public places, including but not limited to public buildings and adjacent to public rights-of-way, within the proposed district; and

(c) be published once a week for 2 weeks in a newspaper of general circulation within the county.

(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.

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

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

5 (a) the boundaries of the proposed district;

6 (b) the general character of the proposed zoning regulations;

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

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

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

20 - END -