

1 HOUSE BILL NO. 527

2 INTRODUCED BY F. NAVE

3
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; AND PROVIDING AN
12 IMMEDIATE EFFECTIVE DATE."

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

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

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

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

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

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

1 acres.

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

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

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

14 (i) a development pattern as provided in 76-2-104;

15 (ii) a resolution as provided in 76-2-107; and

16 (iii) the land use and zoning regulations as provided in 76-2-107.

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

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

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24 NEW SECTION. SECTION 2. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND APPROVAL.

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