

1 SENATE BILL NO. 294

2 INTRODUCED BY J. ESP

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING COUNTY ZONING LAWS; PROVIDING FOR A  
5 REFERENDUM TO TERMINATE ZONING DISTRICTS; REMOVING CERTAIN PROTEST PROVISIONS  
6 THAT HAVE BEEN INVALIDATED BY THE MONTANA SUPREME COURT; AMENDING SECTION 76-2-205,  
7 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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11 NEW SECTION. **Section 1. Referendum to terminate zoning district.** (1) Real property owners in a  
12 zoning district may petition the board of county commissioners to submit a referendum to the registered  
13 electors residing in the zoning district to terminate the zoning district. The petition must be in writing and contain  
14 the signatures and addresses of 15% or more of the real property owners in the zoning district. The petition  
15 requesting a referendum for the termination of a zoning district must be delivered to the county clerk and  
16 recorder, who shall endorse on it the date when the petition was received and validate the signatures within 60  
17 days of receipt of the petition. If the petition contains valid signatures of at least 15% of the real property owners  
18 within the zoning district, the county clerk and recorder shall notify the county commissioners.

19 (2) On receipt of a valid petition described in subsection (1), the county commissioners shall submit  
20 the referendum to the registered electors residing in the district in an election conducted pursuant to Title 13,  
21 chapter 1, part 5.

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

24 **"76-2-205. Procedure for adoption of regulations and boundaries.** The board of county  
25 commissioners shall observe the following procedures in the establishment or revision of boundaries for zoning  
26 districts and in the adoption or amendment of zoning regulations:

27 (1) Notice of a public hearing on the proposed zoning district boundaries and of regulations for the  
28 zoning district must:

1 (a) state:

2 (i) the boundaries of the proposed district;

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

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

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

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

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

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

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

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

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

18 (a) the boundaries of the proposed district;

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

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

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

26 (6) Within 30 days after the expiration of the ~~protest~~ comment period, the board of county  
27 commissioners may in its discretion adopt the resolution creating the zoning district or establishing the zoning  
28 regulations for the district. ~~However, if 40% of the real property owners within the district whose names appear~~

1 on the last-completed assessment roll or if real property owners representing 50% of the titled property  
2 ownership whose property is taxed for agricultural purposes under 15-7-202 or whose property is taxed as  
3 forest land under Title 15, chapter 44, part 1, have protested the establishment of the district or adoption of the  
4 regulations, the board of county commissioners may not adopt the resolution and a further zoning resolution  
5 may not be proposed for the district for a period of 1 year."

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7 **NEW SECTION. Section 3. Codification instruction.** [Section 1] is intended to be codified as an  
8 integral part of Title 76, chapter 2, part 2, and the provisions of Title 76, chapter 2, part 2, apply to [section 1].

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10 **NEW SECTION. Section 4. Effective date.** [This act] is effective on passage and approval.

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