

1 SENATE BILL NO. 9
2 INTRODUCED BY WATT

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW DIFFERENT
5 ZONING CLASSIFICATIONS WITHIN A ZONING DISTRICT AND TO
6 PROVIDE THAT SIXTY PER CENT (60%) OF THE FREEHOLDERS MAY
7 PROTEST AN ESTABLISHMENT OF THE ZONING DISTRICT OR ADOPTION
8 OF REGULATIONS; AMENDING SECTIONS 16-4703 AND 16-4705,
9 R.C.M. 1947."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 16-4703, R.C.M. 1947, is amended to
13 read as follows:

14 "16-4703. Establishment of districts--regulations for
15 land use--scope--uniformity. (1) Within the unincorporated
16 portions of a jurisdictional area which has been established
17 under provisions of section 11-3830 or section 11-3830.2,
18 the board of county commissioners may by resolution
19 establish zoning districts and zoning regulations for all or
20 parts of the jurisdictional area.

21 (2) Within some such zoning districts, or zoning
22 classifications in any district, it shall be lawful and
23 within others it shall be unlawful to erect, construct,
24 alter or maintain certain buildings, or to carry on certain
25 trades, industries or callings.

1 (3) Within each district the height and bulk of future
2 buildings and the area of the yards, courts and other open
3 spaces and the future uses of the land or buildings shall be
4 limited and future building setback lines shall be
5 established.

6 (4) The regulations may provide for one (1) or more
7 zoning classifications within a district. All such
8 regulations shall be uniform for each class or kind of
9 buildings throughout a district classification, but the
10 regulations in one (1) district classification may differ
11 from those in other districts classifications."

12 Section 2. Section 16-4705, R.C.M. 1947, is amended to
13 read as follows:

14 "16-4705. Procedure for adoption of regulations and
15 boundaries. The board of county commissioners shall observe
16 the following procedures in the establishment or revision of
17 boundaries for zoning districts and in the adoption or
18 amendment of zoning regulations:

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

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

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1 regulations;

2 (c) the time and place of the public hearing;

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

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

10 (3) After the public hearing the board of county
11 commissioners shall review the proposals of the planning
12 board and shall make such revisions or amendments as it may
13 deem proper.

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

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

21 (a) the boundaries of the proposed district;

22 (b) the general character of the proposed zoning
23 regulations;

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

1 recorder;

2 (d) that for thirty (30) days after first publication
3 of this notice the board of county commissioners will
4 receive written protests to the creation of the zoning
5 district or to the zoning regulations from persons owning
6 real property within the district whose names appear on the
7 last completed assessment roll of the county.

8 (6) Within thirty (30) days after the expiration of the
9 protest period the board of county commissioners may in its
10 discretion adopt the resolution creating the zoning district
11 and/or establishing the zoning regulations for the district;
12 but if ~~forty-(40)~~ sixty (60) percent of the freeholders
13 within such district whose names appear on the last
14 completed assessment roll shall have protested the
15 establishment of the district or adoption of the
16 regulations, the board of county commissioners shall not
17 adopt the resolution and no further zoning resolution shall
18 be proposed for the district for a period of one (1) year."

-End-

Approved by Comm.
on Local Government

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5 ZONING CLASSIFICATIONS WITHIN A ZONING DISTRICT AND TO
6 PROVIDE THAT ~~SIXTY-PER-CENT (60%)~~ ~~OF THE FREEHOLDERS~~ ~~MAY~~
7 ~~PROTEST~~ MAY OVERRIDE A PROTEST BY FORTY PERCENT (40%) OF THE FREEHOLDERS
8 MAY OVERRIDE A PROTEST BY FORTY PERCENT (40%) OF THE
9 FREEHOLDERS TO THE ESTABLISHMENT OF THE ZONING DISTRICT OR
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 14 but if ~~forty--(40)~~ ~~sixty--(60)~~ FORTY percent (40%) of the
 15 freeholders within such district whose names appear on the
 16 last completed assessment roll shall have protested the
 17 establishment of the district or adoption of the
 18 regulations, the board of county commissioners shall not
 19 adopt the resolution and no further zoning resolution shall
 20 be proposed for the district for a period of one (1) year.
 21 WITHIN THIRTY (30) DAYS AFTER A PROPER PROTEST IS FILED,
 22 FREEHOLDERS WITHIN THE DISTRICT MAY OVERRIDE THE PROTEST BY
 23 PETITION OF MORE THAN FIFTY PERCENT (50%) OF THE FREEHOLDERS
 24 IN THE DISTRICT WHOSE NAMES APPEAR ON THE LAST COMPLETED
 25 ASSESSMENT ROLE."