

House Bill 143

In The House

January 9, 1981

Introduced and referred
to Committee on Local
Government.

April 23, 1981

Died in Committee.

1 HOUSE BILL NO. 143
2 INTRODUCED BY Kitselman

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PROCEDURES
5 FOR ADOPTION OF ZONING REGULATIONS AND BOUNDARIES; AMENDING
6 SECTION 76-2-205, MCA."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 76-2-205, MCA, is amended to read:
10 "76-2-205. Procedure for adoption of regulations and
11 boundaries. The board of county commissioners shall observe
12 the following procedures in the establishment or revision of
13 boundaries for zoning districts and in the adoption or
14 amendment of zoning regulations:

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

- 20 (a) the boundaries of the proposed district;
- 21 (b) the general character of the proposed zoning
22 regulations;
- 23 (c) the time and place of the public hearing;
- 24 (d) that the proposed zoning regulations are on file
25 for public inspection at the office of the county clerk and

1 recorder;

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

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

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

16 ~~(4) The board of county commissioners may pass a~~
17 ~~resolution of intention to create a zoning district and to~~
18 ~~adopt zoning regulations for the districts~~

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

- 23 ~~(a) the boundaries of the proposed districts;~~
- 24 ~~(b) the general character of the proposed zoning~~
25 ~~regulations;~~

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1 ~~(c) that the proposed zoning regulations are on file~~
2 ~~for public inspection at the office of the county clerk and~~
3 ~~recorder.~~

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

10 ~~(5)(4)~~ Within 30 days after the expiration of the
11 protest period, the board of county commissioners may in its
12 discretion adopt the resolution creating the zoning district
13 and/or establishing the zoning regulations for the district;
14 but if 40% of the freeholders within such district whose
15 names appear on the last completed assessment roll shall
16 have protested the establishment of the district or adoption
17 of the regulations, the board of county commissioners shall
18 not adopt the resolution and no further zoning resolution
19 shall be proposed for the district for a period of 1 year."

-End-